



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



533.10 DISCLOSURE OF SEX OFFENDERS 10-09-12

PURPOSE

The purpose of this order is to establish procedures for the disclosure of sexual offender information to the public under California's Megan's Law (Penal Code § 290 and subsequent related sections).

POLICY

It shall be the policy of the Sacramento Police Department to provide available information that identifies sex offenders that pose a risk to the community.

PROCEDURE

A. DEFINITION

1. FULL ADDRESS - A registrant whose full address may be listed on the California Department of Justice's (DOJ) Megan's Law web site or on a local law enforcement web site.
2. ZIP CODE ONLY - A registrant whose ZIP code only may be listed.
3. NO POST - A registrant whose information may not be posted unless there is reasonable suspicion that he or she poses a risk to the community.
4. EXCLUDED - A registrant who would be disclosed to the public except that current law allows certain persons to apply for an exclusion from public disclosure. The exclusion would be terminated if the offender subsequently violates probation or is convicted of an offense that results in public disclosure.
5. REASONABLE SUSPICION - A suspicion based on information provided by another peace officer or member of the public that a child or another person may be at risk of becoming the victim of a sex offense by a sex offender.
6. LIKELY TO ENCOUNTER - The entity is 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.
7. AT RISK - A person who is or may be exposed to the risk of victimization.

B. GENERAL

1. The Department shall
 - a. Refer all inquiries regarding Megan's Law to the DOJ web site at www.meganslaw.ca.gov.
 - b. Only disclose sex offender information for individuals who, based upon reasonable suspicion, pose a risk to the community.
2. The Department may disclose information on a sex offender via the web site. However, one of the following conditions must be met:
 - a. There is an active warrant for the offender's arrest.
 - b. The Department determines that the release of additional information concerning a specific offender is necessary in order to ensure public safety.
NOTE: This applies to offenders categorized as: (1) Full Address; (2) ZIP Code Only; (3) No Post; and (4) Excluded. The Department shall not disclose the offender's home address unless the address is also listed on the DOJ public web site.
3. Employees working in Records/Warrants/Radio shall use the law enforcement access level of the DOJ Megan's Law web site to research information for officers regarding sex offenders.
4. Employees shall not
 - a. Provide legal advice to the public or the media regarding sex offenders.
 - b. Release information that might lead to or would identify the victim(s) of a sex offender.
 - c. Release any information about any sex offender over the telephone.



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C. PROACTIVE DISSEMINATION OF INFORMATION ON SEX OFFENDERS

1. Employees may proactively notify members of the public about any sex offender when it is necessary based upon an assessment of the offender's risk to the community. Employees shall have reasonable suspicion that a person might be at risk for victimization by a sex offender and that the offender is likely to encounter that person.
 - a. When these circumstances exist, the employee shall obtain approval through their chain of command before disseminating this information to the public.
 - b. Disclosure that a sex offender lives, works, or otherwise frequents an area shall be limited to public and private educational institutions, day care establishments, organizations that primarily serve individuals likely to be victimized by the offender, and other community members at risk.
 - c. Information shall only be disseminated to those persons who are at risk for the subject's registered offense(s) (e.g., the disclosure of pedophile information to parents and children and youth organizations versus the disclosure to a potential adult sexual assault victim).
 - d. Information shall be uniformly disclosed (e.g., if the Department chooses to notify one school, it shall notify all schools in the area).
 - e. Officers shall state in the bulletin that the information is provided to protect the public.
 - f. Under exigent circumstances, employees may disseminate the information without prior approval. The reason for the dissemination shall be noted in an information report.
2. When officers disseminate information, they shall enter the notification into the comment field on the offender's Supervised Release File Record and indicate that the information is being provided to protect the public.
 - a. Prior to the disclosure of information about a sex offender, the Department shall send an officer to
 - (1) The offender's residence or business address to verify that the offender lives or works there.
 - (2) Attempt to notify the offender of the release of the information.
 - b. If the officer is uncertain whether he/she should disseminate the information, he or she shall complete an incident report detailing the incident and forward it to the SACA detective assigned to the S.A.F.E. Team Task Force.
3. Any information released concerning a sex offender must be recorded and maintained for a minimum of five (5) years to include the means and date of dissemination. This shall be done via an Information Report and the Supervised Release File Record.
4. When public notification is necessary, the methods used shall be consistent with other similar circumstances (e.g., if a flyer with a photograph of a child sex offender is disseminated to one child care institution, such flyers shall be used in all similar situations. It is imperative that consistent methods of notification be used.)
5. The SACA Unit shall keep records detailing the reasons for public disclosure of information about each sex offender. The Supervised Release File Record shall also be utilized for this purpose.
6. The SACA detective assigned to the S.A.F.E Team Task Force shall update address information for registered sex offenders on a regular basis.

D. DISCLOSURE OF INFORMATION ON JUVENILE SEX OFFENDERS

The disclosure of information concerning juveniles that have been identified as sex offenders on the DOJ web site shall conform to Section C of this order.