



Kern County Sheriff's Office

Policies and Procedures

TITLE: PUBLIC DISCLOSURE OF REGISTERED SEX OFFENDERS		NO: J-1920	
APPROVED: Donny Youngblood, Sheriff-Coroner			
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REFERENCES: PC 290, 290.4

POLICY

The California Legislature passed Megan's Law (AB 1562) requiring specified law enforcement agencies to disseminate information on certain sex offenders to the public. The legislative intent was to provide information in order to protect the public from sexual predators. The Sheriff's Office will adhere to this legislation and disseminate or make available the information prepared by the Department of Justice. Members of the Sheriff's Office shall not give legal advice to the public or media concerning the provisions of this legislation.

Information can be released by four methods: Disclosure of information on high risk offenders by any means, including the media, television, radio, etc., to any person (Procedure A); disclosure of information on high risk and serious offenders to specified members of the public through CD-ROM files provided by the Department of Justice (Procedure B); group/geographic disclosure of sex offender information (Procedure C); field disclosure of sex offender information (Procedure D).

A Megan's Law Coordinator will be assigned to the General Investigations Division. The coordinator will conduct the dissemination of information for sex offenders living in or frequenting the Sheriff's Office jurisdiction of Bakersfield, or coordinate the release of information on these offenders for substation areas. It will be the responsibility of the substation personnel to conduct the dissemination of information under the direction of the Megan's Law Coordinator.

Directive #1:

The determining factor in deciding what category of offender a person is for purposes of releasing information on that person will be the status determined by D.O.J. and contained in the CD-ROM files, the C.L.E.T.S. Violent Crime Information Network/Supervised Release File, or by contacting D.O.J. directly. PC 290.4 does not allow information to be released on those who fall within the "other" registered sex offender category as defined in this policy.

Directive #2:

Absent justification, the method of disclosure must be uniform for each category of sex offender.

Directive #3:

Disclosure cannot occur over the telephone. Refer callers or inquiries to the CD-ROM files or to the D.O.J. Hotline at 1-900-463-0400. The caller will be charged a fee by D.O.J. for the Hotline access.

DEFINITIONS

Serious Sex Offenders - A registrant convicted of a felony sex offense (except those listed in the “other” category) or of misdemeanor child molestation.

High Risk Sex Offenders - Serious sex offenders who have been identified by D.O.J. as having a higher risk of re-offending and who may pose a greater danger to the public. Reference PC 290 (n) (1)(A) for criteria for this category.

Other Registered Sex Offenders - Misdemeanants (except those convicted of PC 288(c) (17) and PC 647.6) and those felons convicted of repeated indecent exposure, spousal rape, and pornography and related offenses. This information may not be released to the public.

Reasonably Suspects - A suspicion based on information provided by another peace officer or a member of the public that a child or other person may be at risk of becoming the victim of a sex offense by a serious sex offender.

Likely to Encounter - The entity or individual 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.

PROCEDURE A: Release of Information on High-Risk Offenders

The Registration Unit of Arrest Records will:

- Notify the Sexual Assault and Abuse Investigations Unit (S.A.A.I.U.) when a high-risk offender living in the Sheriff’s Office jurisdiction registers by routing a copy of the registration card to the Megan’s Law Coordinator;

The Megan’s Law Coordinator will:

- Go to the offender's registered addresses to verify their validity;
 - The coordinator may assign this task to Substation or Patrol Division personnel;
 - If the offender is in violation of PC 290 registration requirements, write a crime/incident report to initiate an investigation;

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- Obtain approval from the S.A.A.I.U. supervisor or General Investigations Division Commander to disclose the information to the public;
- Request Crime Report Records Section to prepare a high-risk offender bulletin developed by D.O.J. and obtained from the CD-ROM files;
- Review the bulletin for completeness and accuracy;

The bulletin will include at least the following:

- The offender's full name
- The offender's known aliases
- The offender's gender
- The offender's race
- The offender's physical description
- The offender's photograph
- The offender's date of birth
- Crime(s) resulting in registration under PC 290
- Relevant parole or probation conditions
- If not releasing an address or vehicle descriptions, a statement that we are not doing so.

As a general rule, the offender's address(es) and vehicle description(s) will not be released. In the event a circumstance arises in which the offender's address needs to be released, prior approval must be obtained from a Commander.

- Make sufficient copies of the bulletin to be distributed around the offenders known residence and business addresses;
- Notify the Commander(s) of the geographic area(s) where the high-risk offender lives/works prior to dissemination;
 - In the event the offender lives in the Sheriff's Office jurisdiction but works in or frequents another jurisdiction, that jurisdiction will be notified; however, the Kern County Sheriff's Office will not distribute bulletins in that jurisdiction;
- Deliver the high-risk offender bulletins to the appropriate substation area or Patrol Division Commander for distribution to the public;

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- Citizen Service Unit members or other department volunteers may be utilized for the actual distribution;
- Release the high-risk offender bulletin to both the Kern County news media and the public;
 - Send the bulletin out on the Fax-Net system designated for this purpose;
 - All Kern County schools, the Megan’s Law District Liaison for each school district, commercial day care centers, Sheriff’s Office Communications Center and substations, and all Kern County law enforcement agencies will be included on the Fax-Net system.
 - Bulletins should be disseminated to schools in the vicinity of the offender’s address and they are to be delivered to the administration office.
 - Deliver ten bulletins to the Kern County Economic Opportunity Corporation Head Start office at 300 19th Street, Bakersfield, for distribution to affected centers around the distribution area.

Directive A-1:

As a general rule, when bulletins are proactively disseminated to the public, they will be distributed in a one-block radius around the offender's residence, or when necessary, to business addresses or locations frequented by the offender. This area may be expanded as necessary if unusual circumstances warrant it, but the reason must be documented on the Megan’s Law Disclosure form filed in the Crime Report Records Section.

Directive A-2:

When the Sheriff’s Office disseminates information on a high-risk offender, it must maintain a record of the means and dates of dissemination for a minimum of five years. The Supervised Release File in C.L.E.T.S. will be utilized for this purpose. The Megan’s Law Coordinator will complete the Megan's Law Disclosure form and forward it to Crime Report Records Section for entry into the Supervised Release File. The form will be filed in the Crime Report Records Section.

PROCEDURE B: Release of Information via CD-ROM Files

Directive B-1:

Computers containing or capable of accessing the CD-ROM files compiled by the Department of Justice regarding sex offenders will be available to the public at the Headquarters Facility (Crime Reports), Wasco Substation and Mojave Substation. Hours of operation generally will be 0800-1600, Monday through Friday, holidays excepted.

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Directive B-2:

Pursuant to PC 290, et seq., access to the CD-ROM files shall be governed by the following rules. Failure or refusal to comply with these rules will result in the denial of access to the CD-ROM files. No one other than the requestor will be permitted to view the files.

1. The requestor must be at least 18 years old;
2. The requestor must present their picture California driver's license or identification card;
3. The requestor must not be required to register per PC 290;
4. The requestor must read and then sign a completed request form;
5. No one shall be permitted to reproduce the CD-ROM files or to photograph or otherwise mechanically reproduce the files or information on the computer screen. Requestors may take notes of information contained in the CD-ROM files.

Additionally, the following rules will apply:

1. More than one person, i.e., members of the same family, may view the CD-ROM files at the same time if all comply with these rules;
2. Access will be limited to fifteen minutes for each request;
3. A requestor can only submit one Request to View form at a time.

Personnel at each CD-ROM access site will:

- Have each requestor read the back of Request to View form, complete the front of the form and sign the form;
- Ensure the form is completed;
- Compare the requestor's California driver's license or identification card to the person and the information on the Request to View form to ensure identity;
- Complete and file the Request to View form in the designated file;
- Occasionally monitor the requestor for compliance to the rules;
 - Terminate the access if there are violations of any rules;
- Cancel the access to the CD-ROM files after fifteen minutes.

Directive B-3:

Personnel not familiar with the CD-ROM files may refer inquiries about access to the CD-ROM files to the General Investigations Division clerks at 391-7585 or 391-7588. If after hours, a message can be left on their Audix system. The clerks **will not** release information from the CD-ROM files. They will only obtain a name and mailing address from the caller and mail them a

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pamphlet containing information about the CD-ROM files. They will not provide any other information about the CD-ROM files.

PROCEDURE C: Geographic/Group Disclosure of Sex Offender Information

Directive C-1:

In the event an officer receives information that a group of individuals or individuals in a geographic area may be at risk due to the presence of a high-risk or serious sex offender, information on that offender may be disclosed if those persons are likely to encounter the offender. All disclosures to a group of individuals or in a geographic area must be authorized by a Commander and conducted through the Megan’s Law Coordinator in the General Investigations Division. If the disclosure location(s) are in another agency’s jurisdiction, that agency will be notified and it will be their decision to disclose offender information.

Directive C-2:

Any law enforcement agency adjacent to our disclosure location will be notified of a group or geographic disclosure, i.e., Ridgecrest Substation to Ridgecrest P.D. and China Lake P.D., Wasco Substation to Delano P.D. and Shafter P.D., etc.

When an officer receives information that a person may be at risk, they will:

- Write a crime/incident report documenting the information;
- Notify their supervisor;
- Route a copy of the report to the Megan’s Law Coordinator;
 - If in a substation area, fax the report to the Megan’s Law Coordinator.

The Megan’s Law Coordinator will:

- Evaluate the report to determine if a disclosure is warranted;
- Establish the parameters for the disclosure;
- Obtain approval from the S.A.A.I.U. supervisor or General Investigations Division Commander for the disclosure;
- If approved, follow the Megan’s Law Coordinator duties in Procedure A, except that the bulletin will not be released on the Fax-Net system, to the media, or any other person outside of the established parameters for the disclosure;
 - Bulletins should be delivered to nearby schools and to the Megan’s Law District Liaison for the district office of any schools receiving a bulletin.
- Write a supplemental report if no disclosure occurs;

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- Submit a copy of the disclosure to Crime Reports for inclusion with the crime/incident report.

PROCEDURE D: Field Disclosure of Sex Offender Information

Directive D-1:

Occasionally an officer, through routine field contacts, will discover circumstances when one or more persons are in personal contact with a serious or high-risk sex offender. The officer should determine if there is a reasonable suspicion that the person(s) may be at risk of becoming the victim of a sex offense by the offender.

When an officer makes the determination that a person is at risk, the officer will:

- Complete a Megan’s Law Disclosure form;
- Give the information to the at-risk person and have them sign the disclosure form;
 - If the at-risk person is a juvenile, where practical, the disclosure must be made to the parent or guardian.
 - Determine if a report is necessary in accordance with Chapter 5 of the Report Writing Manual;
 - Submit the disclosure form to Crime Reports or the substation clerical personnel for entry of the disclosure information into the Supervised Release File of C.L.E.T.S.

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