

PALOS VERDES ESTATES POLICE DEPARTMENT

POLICY MANUAL

SECTION 50

MEGAN'S LAW

Added 10/02

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50.0 PURPOSE

To establish a procedure for the dissemination of information regarding certain registered sex offenders under California's "Megan's Law" (CPC 290 and 290.4).

50.1 BACKGROUND

Megan's Law is named for Megan Kanka of New Jersey, who was murdered in 1994. Her neighbor, a twice convicted sex offender, lured the seven-year-old into his house on the pretext of seeing his dog, allegedly. He then raped and strangled her, allegedly.

In 1996 both federal and state legislation was passed into law that expands sex offender notification. The purpose of "Megan's Law" is to allow law enforcement agencies the ability to disseminate limited information about "high risk" and "serious" sex offenders in order to better protect the public's safety. Disseminating such information is subject to the strict guidelines set forth in sections 290 and 290.4 PC.

50.2 DEFINITIONS AND STATUTES

The California Department of Justice (DOJ) reviewed the records of registered sex offenders and categorized them as "serious," "high risk" and "other" registered sex offenders.

A. HIGH RISK SEX OFFENDERS

A high risk sex registrant is identified under 290(n)(1)(a) and subsections (i) through (v) of the California Penal Code. The DOJ describes a "high risk" offender as a registrant having a higher risk of re-offending and who may pose a greater danger to the public. Section 290(n) PC allows a law enforcement agency to advise the public of the presence of a "high risk" sex offender, pursuant to the same requirements as 290(m)(1) PC. The DOJ is the only agency that can categorize registered sex offenders into the three classifications.

B. SERIOUS SEX OFFENDERS

A "serious" sex registrant is identified as having been convicted of a felony sex offense (except as listed in "other registered sex offender" or of misdemeanor child molestation). This offender must have a previous conviction of a crime listed in paragraph (1) of subdivision (A) of 290.4 PC. In order for any information to be released to the public about a "serious" sex offender, the PVE Police Department will comply (wilco) with requirements and conditions set forth in 290(m)(1) PC.

C. OTHER REGISTERED SEX OFFENDERS

"Other" registered sex offenders are misdemeanants (except misdemeanor child molest, 647.6 and 288(c) PC) and those felons convicted of repeated indecent exposure, pornography and spousal

rape. Information on these individuals may not be released to the public under Megan's Law.

50.3 POLICY

The PVE Police Department shall, as soon as practical, disseminate public awareness information regarding known "high risk" sex offenders who reside in the City. Notifications regarding "serious" sex offenders will be evaluated and handled on a case by case basis in accordance with state law.

50.4 PROCEDURE

Upon becoming aware that a registered "high risk" or "serious" sex offender is residing in PVE, the Police Department will examine and evaluate the offender's criminal history and current status. In cases of "high risk" offenders, the notification procedure will commence as soon as practical in accordance with section 50.3. For "serious" offenders a determination shall be made in each individual case as to the risk the sex offender may pose to a child or other person. Notifications to the public regarding "serious" sex offenders will be made only if the requirements have been met per 290(m)(1) PC. The decision to publicly disclose information about an offender will be made only by the Chief of Police or his designee. An attempt will be made to contact the sexual offender and ascertain his knowledge of Megan's Law. Additionally, investigators will ask the offender if he is aware of his current DOJ classification. The department will investigate any discrepancy between DOJ offender classification and the classification the offender believes he has been given, prior to public notification.

A. SEX CRIMES INVESTIGATOR

The investigator monitoring sex registrants will immediately notify the Chief of Police, via chain of command, upon becoming aware of a "high risk" or "serious" sex offender residing in the city. A background investigation, including a criminal history and reports related to the registrant's prior arrests, will be compiled on "serious" offenders, if the department is considering a public notification. The Sex Crimes Investigator shall, in all cases, confer with the DOJ and confirm the offender's current classification.

B. DETECTIVE SERGEANT

The Detective Sergeant shall review the investigator's report. The sergeant will ensure that all procedures have been followed and will confirm with the DOJ the offender's classification. Once the decision is made by the Chief or his designee to publicly disclose information about a sex registrant, the DB Sergeant will arrange to have a flyer or

informational bulletin made in compliance with guidelines set forth in 290 PC.

50.5 PUBLIC NOTIFICATION GUIDELINES

There are certain guidelines to be considered when drafting a public notification of "high risk" or "serious" sex offenders.

A. The following information may be released in a "high risk" or "serious" public notification (per 290 (m)(B)(4) PC):

- Offender's name
- Known Aliases
- Gender, race, physical description
- Photograph
- Date of birth
- Crimes resulting in registration
- Address (must be verified first)
- Vehicle description and license plate
- Types of victims targeted by offender
- Relevant parole or probation conditions
- Dates of crimes resulting in classification
- Date of release from confinement

B. A statement will be included on public notifications identifying "high risk" or "serious" offenders that the purpose for the information release is to allow members of the public to protect themselves and their children from sex offenders (per 290(m)(5) PC).

C. If applicable, the Detective Sergeant will ensure notifications are made to organizations and establishments that may reasonably be impacted by the offender's presence (i.e. school district, parks department, probation, parole, bordering law enforcement agencies, etc).

D. The geographic boundaries of the area considered for notification shall be determined on a case by case basis by the Chief of Police or his designee. The scope of public dissemination of information on sex offenders will include, but not be limited to, the following:

1. Public and private educational institutions
2. Day care centers
3. Establishments/organizations that primarily serve individuals likely to be victimized by sex offenders
4. Other community members determined to be at risk

E. The Sex Crimes Investigator will periodically update information on the addresses of sex offenders. If information on a sex offender is disseminated publicly and that offender relocates within the city, the Chief of Police will re-evaluate the need to repeat the disclosure in the new geographical area.

- F. The public release of information regarding sex offenders should include a warning that it is illegal to use any such information to commit a crime against an offender or to engage in illegal discrimination or harassment, per 290 PC.