

**MARIN COUNTY SHERIFF'S OFFICE  
GENERAL ORDER**

**CHAPTER 5 – OPERATIONS  
GO-05-12  
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**DATE  
June 3, 1997  
REV: 09/06/06**

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**MEGAN'S LAW - CALIFORNIA'S SEX REGISTRANTS**

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**POLICY**

It is the policy of the Marin County Sheriff's Office to comply with California statutes regarding the dissemination of information on sex offenders who reside within the unincorporated area of Marin County.

It shall not be the responsibility of the Marin County Sheriff's Department to pro-actively disseminate information on sex registrants residing within the incorporated municipalities of Marin County.

**DEFINITIONS**

**SEX REGISTRANT** – A person who has been convicted of certain statutory sex offense(s) and is required to register as a sex offender pursuant to P.C. 290.

**SERIOUS SEX OFFENDER** – A "Serious" sex offender is a registrant whose crime of conviction is either a specified felony sex offense or misdemeanor child molestation. For example, an assault with the intent to commit specified sex offenses, rape, sodomy with a minor or by force, lewd and lascivious conduct with a child or dependant adult, oral copulation with a minor or by force, foreign object penetration, child molestation, kidnapping with intent to commit specified sex offenses, felony sexual battery, felony enticement of a child with purposes of prostitution and abduction of a child for purposes of prostitution.

**HIGH RISK SEX OFFENDER** - A "High Risk" sex offender is a serious sex offender who has committed a certain number and type of crimes including at least one violent sex crime or has been adjudicated as a Sexually Violent Predator.

**OTHER SEX OFFENDER** – An "Other" sex offender includes all sex registrants who do not meet the criteria of "High Risk" or "Serious" sex offenders. An example of an "Other" sex offender is a sex registrant who is a misdemeanor [except misdemeanor child molest per Penal Code 647.6 and 288(c)] or a felon who is convicted of repeated indecent exposure, pornography and related offenses, and spousal rape.

**PROCEDURE**

Law Enforcement disclosure is allowed under Megan's Law on those sex offenders classified as "Serious" and "High Risk." The California Department of Justice has categorized each registered sex offender in the state. Public Disclosure under Megan's Law is allowed only as to it relates to "Serious" and "High Risk" Sex Offenders. Public information is not provided on "Other" Sex Offenders.

The Sheriff's Department can identify the category of an offender by accessing VCIN (Violent Crime Information Network) through CLETS, accessing the Supervised Release File, the Megan's Law Website at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov), or by directly contacting the California Department of Justice at (916) 227-

4974.

For Law Enforcement purposes, there are three categories of sex offenders. The first is the "Serious Sex Offender," which is defined as a registrant convicted of a felony sex offense or misdemeanor child molestation. Information on serious sex offenders MAY BE RELEASED to the public.

The second category is the "High Risk Sex Offender." This is a registrant who is a serious sex offender who has been identified by the Department of Justice as having a high risk of re-offending and who may pose a greater danger to the public. Information on high risk sex offenders MAY BE RELEASED to the public.

The last category is the "Other Sex Offender." This includes all other sex registrants who are misdemeanants [except misdemeanor child molest per Penal Code 647.6 and 288(c)] or felons convicted of repeated indecent exposure, pornography and related offenses, and spousal rape. Information on this category MAY NOT BE RELEASED to the public.

### **ACCESS BY THE PUBLIC TO INFORMATION ON SEX OFFENDERS**

The public may access information related to "Serious" and "High Risk" sex registrants by logging onto the California Department of Justice Megan's Law Website at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov). The public may not access information related to "Other" sex registrants. Any citizens making inquiries regarding sex registrants should be referred to the California Department of Justice Megan's Law Website.

### **PROVIDING INFORMATION REGARDING SEX OFFENDERS TO PROTECT PUBLIC**

Only sworn Sheriff's personnel may disseminate sex registrant information. Penal Code 290.45(a)(1) states: *When a peace officer reasonably suspects, based on information that has come to his or her attention through information provided by any peace officer or member of the public, that a child or other person may be at risk from a sex offender convicted of a crime listed in paragraph (1) of subdivision (a) of Section 290.4, a law enforcement agency may, notwithstanding any other provision of law, provide any of the information specified in paragraph (4) of this subdivision about that registered sex offender that the agency deems relevant and necessary to protect the public, to the following persons, agencies, or organizations the offender is likely to encounter, including, but not limited to, the following: (A) Public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender. (B) Other community members at risk.* Pursuant to Penal Code 290.45(a) (2), *the law enforcement agency may authorize persons and entities who receive the information pursuant to paragraph (1) to disclose information to additional persons only if the agency does the following: (A) Determines that all conditions set forth in paragraph (1) have been satisfied regarding disclosure to the additional persons. (B) Identifies the appropriate scope of further disclosure.*

When these conditions are met, the deputy shall obtain approval from his or her supervisor before disseminating information to the public. Under exigent circumstances, the deputy may disseminate the information without prior approval. The deputy must still, however, advise his or her supervisor as soon as possible. (Example: A deputy makes a vehicle stop and identifies one of the people in the vehicle as a sex registrant in the "serious" category. The deputy reasonably suspects a passenger may be at risk of becoming a victim of a sex offense. The deputy decides to notify the person(s) at risk that they are in the company of a serious sex registrant but his or her supervisor is unavailable to give approval for notification. The deputy may make the notification but still **MUST** notify his or her supervisor that notification has been made.) Notification requires documentation.

When disseminating sex registrant information, the deputy **must** tell the person receiving the information that it is being provided to protect both the public and the individual.

When a deputy disseminates information about a sex registrant, the disclosure shall be documented on the "**INDIVIDUAL FIELD DISCLOSURE**" form. This form will be routed to the Investigations Division. Communications Center will enter the information furnished by the deputy into the Supervised Release File (SRF) regarding the contact with the registrant.

Residence and business addresses **must** be verified before disclosure. Verification will be made by actually going to the registrant's residence or business to confirm occupancy. **APPROVAL FOR DISCLOSURE OF AN ADDRESS MUST BE OBTAINED FROM THE WATCH COMMANDER OR HIGHER PRIOR TO RELEASE.**

Subject to the requirements above, and pursuant to Penal Code Section 290.45(4) (A) through (O), the following information may be provided where all of the above conditions are met:

- 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
- Crimes resulting in registration under PC 290
- The offender's address, which must be verified prior to publication
- Description and license plate number of vehicles offender is known to drive
- Type of victim targeted by the offender
- Relevant parole or probation conditions, such as one prohibiting contact with children
- Dates of crimes resulting in classification under Penal code Section 290
- Date of release from confinement
- The offender's enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning

Note: No information which would identify the victim of the offender's crime shall be released.

Unlike dissemination in the field as to serious sex offenders, there is no need for a peace officer to have reasonable suspicion that anyone would be a potential victim of a high risk sex offender in order to disseminate information. The disclosure shall be documented on the "**INDIVIDUAL FIELD DISCLOSURE**" form. Supervisor approval must be obtained prior to dissemination, except as noted above.

As with disclosure about serious sex offenders, residence and business addresses must be verified before disclosure. **APPROVAL FOR DISCLOSURE OF AN ADDRESS MUST BE OBTAINED FROM THE WATCH COMMANDER OR HIGHER PRIOR TO RELEASE.**

#### **METHOD OF DISCLOSING INFORMATION TO THE PUBLIC, GROUP, ENTITIES AND INSTITUTIONS**

The method utilized to notify institutions, entities, or community members at risk should be the same in all cases. For example, if a flyer with the photograph of a child molester is disseminated to one child care Institution; such a flyer should be used in all similar situations.

The information disclosed must be directed at, and limited to, individuals, institutions, and entities at risk within the community. Community is defined as the area(s) in which the offender lives, works or frequents. In more dense urban areas, that may be no more than a block. In areas like Pt. Reyes, Olema, Marshall, etc., community may be the entire population. In rural areas of Marin County, community might be defined

as a single residence.

Each public disclosure by this department shall be accompanied by a statement that the purpose for the release of information is to allow members of the public to protect themselves and their children from sex offenders. When information is pro-actively disseminated to the public, the Sheriff's Department shall consider, as a general guideline, a one block radius around the offender's address as an initial area in which the information is distributed. This area may be expanded as necessary. When disclosure to an entity, institution and/or community is made by the Sheriff's Department, the deputy will complete the Sheriff's Department "**AGENCY AND/OR GROUP DISCLOSURE**" form.

As to high risk offenders identified by the California Department of Justice, the Sheriff's Department may actively disseminate information through virtually any means. Those means include but are not necessarily limited to billboards, local newspaper ads, flyers, local radio announcements and local television. The Internet **MAY NOT BE USED** for dissemination by this department. Megan's Law is intended to protect the "community" from sex offenders; therefore, the geographic boundaries of "community" must be considered.

#### **ADVICE TO MEDIA/PUBLIC**

Employees/members of this Department **SHALL NOT** provide legal advice to members of the public, including but not limited to private citizens and the media. Each person/entity should be referred to his/her attorney or legal advisor.

#### **ATTACHMENTS**

Individual Field Disclosure form.  
Agency or Group Disclosure form.

#### **RELATED STANDARDS:**

P.C. 290  
P.C. 290.4  
P.C. 290.45

#### **AFFECTED DIVISIONS:**

Patrol Division  
Communication Division  
Records Division  
Professional Standards Unit

#### **DATE OF REVISIONS:**

06/03/97  
09/03/99  
01/24/02

**By Order of:**

Robert T. Doyle  
Sheriff