I. POLICY

The California Department of Justice is required to make information available to the public on certain registered sex offenders. It shall be the general policy of the Davis Police Department to refer members of the public who are requesting information on registered sex offenders to the DOJ Megan’s Law Website (http://meganslaw.ca.gov/). The Website is generally kept up to date and contains that information which may be released to the public, as well as how the information can be lawfully used.

The Davis Police Department may also provide information to the public about a person required to register as a sex offender pursuant to PC § 290, by whatever means appropriate, when necessary to ensure public safety. Information may be released via the Web, however it must be in compliance with PC §§ 290.45 and 290.46, which does restrict certain information from being released.

Whenever information is released by any method, the release shall contain a statement that the purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders. (PC § 290.45)

Registrant information may only be released if it is in compliance with this policy and after a thorough review of all applicable statutes to ensure it is both allowed and serves a legitimate public safety interest.

II. PROCEDURE

A. General Release of Information

1. Approval from the Police Chief shall be obtained before any information regarding any sex offender is released by the Davis Police Department.

   Note: In cases of exigent circumstances, (i.e., field encounters such as traffic stops or other similar encounters) approval may be obtained from the Watch Commander. Prior to disclosing information, advice should be sought from the Investigations Lieutenant or one of the Investigations Sergeants if they are available. Written advisement of the information disclosed shall be made to the Police Chief, via the chain-of-command, by the person granting the authority to disclose that information.

2. The general release of information via public notice or the Web shall be approved only with the permission of the Police Chief after the Investigation’s Division has conducted an investigation and reasonably determined that a notification is necessary to protect the
public from the registered offender. The investigation should include examination of the current behavior of the offender as well as the severity of past crimes and the likelihood of the offender committing another crime. For example, disclosures could be considered in the following types of situations:

- A convicted child molester is observed photographing children at a local park and asking them to accompany him back to his home; or,
- A convicted rapist is reported as following female joggers.

Although past criminal convictions alone would not necessarily warrant a disclosure, special attention should be paid to repeat offenders and those categorized as Sexually Violent Predators as defined in § 6600 W&I.

3. Certain investigative steps must be undertaken and background information regarding the offender’s past offenses and current behavior shall be gathered prior to the release of information. Verification of all information regarding the sex offender must be completed before releasing any information.

The investigative steps that shall be completed prior to the release of information on any sex offender minimally include:

a. Documentation of the offender’s current behavior;
b. Documentation on why the release is necessary to protect the public;
c. Documentation of the scope of the disclosure and reasons for determining the area (i.e., ½ mile area of the offender’s home address and areas frequented by the offender, parks, schools, community centers, etc.); and,
d. Verification of the documented information included on the original sex registrant information form filled out at time of registration.

4. Public notifications are for the purpose of protecting the public, not a means of punishing the offender for past crimes. All public notifications must comply with this intent.

5. The method(s) employed in the release of information must be reasonable, relating to both the threat posed by the sex offender and the likely proximity to potential victims. The disclosure may only be as broad as is necessary for the protection of the public.

6. Every disclosure, whether placed on the Department Website, verbally expressed in a field encounter, or provided in any written form or general public notice must state, “The purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders.”

7. Information that may be provided includes, but is not limited to, the offender’s name, known aliases, gender, race, physical description, photograph, date of birth, address, which shall be verified prior to publication, description and license plate number of the offender’s vehicles or vehicles the offender is known to drive, type of victim targeted by the offender, relevant parole or probation conditions, crimes resulting in classification, and date of release from confinement, but excluding information that would identify the victim.
8. Records relating to dissemination of sex offender information to the public shall be maintained for a minimum of five years in a standard RIMS report. The report shall include any investigative reports done to determine whether the release meets the requirements under this policy as well as copies of all released information and other related material.

B. Exigent Circumstances- Release of Information, Officer’s Responsibility.

1. When an officer, during a temporary field encounter such as a traffic stop, regular call for service, or while conducting an investigation in the field has reasonable suspicion based on information which has come to their attention that a person is at risk of becoming a victim of a sex offender, the officer may verbally release the information to a potential victim who is 18 years of age or older. If the potential victim is a minor, release of the information shall be to the minor’s parent/guardian.

2. Procedurally, for exigent circumstance releases only, when an officer runs an “all systems” check on a person, an offender who is required to register will show a return as a 290 registrant. The offender should then be run through the public Megan’s Law Website to determine what their registration offense was and to determine what information is generally available to the public for release.

3. Examples of situations where a disclosure of sex offender status might be warranted:

   a. An officer conducting a traffic stop discovers through a regular “all systems” check that the driver is a registered sex offender, and as determined on the public Website, previously convicted of forcible rape. The officer determines that the offender’s passenger is an adult female whom just met the offender at a local bar. Officers may make a disclosure to the passenger of the information available to the public.

   b. Officers respond to a disturbance call at a residence. The male at the location is identified as a registered sex offender convicted of child molestation. There are numerous neighborhood children at the residence, including the children of the offender’s girlfriend. The officer could make a notification of the offender’s sex registrant status to the parent/guardian(s) of the minor children.

4. The Watch Commander shall authorize any release prior to the information being disclosed to ensure compliance with this policy.

5. Public notifications are for the purpose of protecting the public, not a means of punishing the offender for past crimes. All public notifications must comply with this intent.

6. The disclosing officer must state at the time of the release, “The purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders.”

7. The disclosing officer must fully document the circumstances surrounding the disclosure in a RIMS report.

Darren Pytel
Police Chief
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