
MEGAN'S LAW

PROTOCOL

2009

*Police Chiefs' Association
of
Santa Clara County*

Adopted August 13, 2009

Megan's Law

I. Policy

It is the intent of the Santa Clara County Chief's Council to establish a protocol for the dissemination of information regarding certain registered sex offenders under California's Megan's Law (Penal Code, §§ 290, 290.4, and 290.46).

II. Definitions

The Megan's Law Internet Web Site was implemented by the California Department of Justice on December 15, 2004. The California Department of Justice has categorized each registered sex offender on this site as either "Full Address", "ZIP Code Only", "No Post", or "Excluded". Inclusion on the Web Site is allowed only for "Full Address and Zip Code Only" sex offenders. The site is accessible directly at <http://meganslaw.ca.gov> or through the Attorney General's Home Page at <http://ag.ca.gov>.

III. Categories of Registered Sex Offenders

A. These categories are reflected in the Megan's Law Web Site provided by the Department of Justice and through CLETS.

1. Full Address

A sex offender in this category will have his/her full residence address displayed. Generally, Full Address disclosure will occur if the offender has been convicted of any of the following:

- Lewd conduct with a child under the age of 14.
- A sex offense involving force or fear.
- A designated sex crime with a prior or subsequent conviction for a sex crime requiring registration.
- An offense resulting in commitment as a Sexually Violent Predator as defined in Welfare and Institutions Code § 6600.

2. Zip Code Only

A sex offender in this category is required to register and has been convicted of an offense(s) subject to public disclosure. However, he/she does not meet the "Full Address" display criteria. Although the offender's ZIP Code rather than "Full Address" will be displayed, all other personal profile information will be the same.

3. No Post

While known to law enforcement, a sex offender in this category will not be disclosed on the public Internet Web Site.

4. Excluded

Certain convicted sex offenders may apply for exclusion from the Megan's Law website. Registrants whose only registerable sex offenses are for the following offenses may apply for exclusion: (1) sexual battery (PC 243.4); (2) misdemeanor child molestation (PC 647.6, or former section 647a); or (3) persons convicted of any other sexual offense can apply for exclusion, which will be granted if the following circumstances are proven:

1. The offender was the victim's parent, step-parent, sibling, or grandparent;
2. The crime did not involve either oral copulation or penetration of the vagina or rectum of either the victim or the offender by the penis of the other or by any foreign object;
3. The person is currently on probation and has had no probation violations, or the person successfully completed probation, meaning there were no violations resulting in incarceration.

IV. Access by the Public to Information on Sex Offenders

A. Megan's Law Internet Web Site Access

1. The Web Site is accessible to anyone with access to the Internet via <http://meganslaw.ca.gov>.

V. Access by Officers for Proactive Dissemination to the Public About Sex Offenders

- A.** Megan's Law authorizes peace officers, employed by local agencies, to disseminate information about any sex offenders when it is necessary to ensure public safety, based on the agency's assessment of the offender's risk to the community. This includes any offender who is now categorized as "No Post" or "Excluded", provided that the agency believes the offender will pose a risk to the community. Release of information is governed by statute and department policy. Each agency will determine the specific procedure under which a field officer may disseminate information about a sex offender consistent with department policy. Officers will release information on sex offenders only when the following criteria are met:

- An officer has a reasonable suspicion,
- Based upon information which has come to his or her attention,

- That a person might become a victim of the serious sex offender,
 - The sex offender is likely to encounter that person.
- B. Each agency will ensure that contacts with sex offenders are entered into the sex offender's Supervised Release File Record in a timely manner.
1. When disseminating information, the officer must state that the information is being provided to protect the public.

VI. Department Notification About Sex Offenders

- A. Public and private educational institutions, day care establishments, and organizations that primarily serve individuals likely to be victimized by the sex offender, or persons identified as being at risk, may be notified by an agency that a sex offender:
- lives
 - works
 - or otherwise frequents an area. An area is not limited by jurisdictional boundaries, but is determined by the offender's method of operation, access and mobility.
- B. An agency may, in its discretion, disclose any or all of the information permitted by § 290.45 (b).
1. Sex offender's full name
 2. Sex offender's known aliases
 3. Sex offender's gender
 4. Sex offender's race
 5. Sex offender's physical description
 6. Sex offender's photograph
 7. Sex offender's date of birth
 8. Crimes resulting in registration under this section
 9. Sex offender's address, which must be verified prior to release
 10. Description and license number of the sex offender's vehicle or vehicles the sex offender is known to drive
 11. The type of victim targeted by the sex offender
 12. Relevant parole or probation conditions such, as one prohibiting contact with children
 13. Dates of crimes resulting in classification under this section
 14. Dates of release from confinement.

- C. Information identifying the sex offenders' victims may not be released.
- D. Agencies are not required to disclose the address (business or residence) of the sex offender.
 - 1. Release of general information such as the street name, block number or cross street may be sufficient.
 - 2. An agency may elect to release a sex offender's exact address.
 - 3. Prior to the disclosure of any address information about a sex offender, the department must send an officer to, or otherwise verify, the sex offender's residence or business address to confirm that the sex offender lives or works there.
- E. The scope of notification shall be uniformly applied.
 - 1. When a Santa Clara County agency determines that there exists a need for notification, the same type of notification shall be made in all instances where similar circumstances apply.
- F. Updating Information About Sex Offenders
 - 1. Each Santa Clara County agency shall submit any updated sex offender registration information to the Department of Justice within three working days of receipt. (Penal Code § 290.011-290.016)

VII. Proactive Dissemination To The Public On Sex Offenders

- A. Field Officers
 - 1. Each agency will determine the specific procedure under which a field officer shall disseminate information about a sex offender.
 - 2. Agencies are not required to disclose the address (business / residence) of the sex offender.
 - a. Release of general information such as street name, block number or cross street may be sufficient.
 - b. An agency may elect to release a sex offender's exact address.

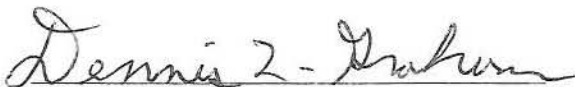
- c. Prior to the disclosure of any address information about a sex offender, the department must send an officer to, or otherwise verify, the sex offender's residence or business address to confirm that the sex offender lives or works there.

B. Definitions Related to Disclosure of Sex Offenders

1. "Reasonably suspects" means 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 sex offender.
2. "Likely to encounter" means that the entity or individual is in a location close to where the sex offender lives or is employed, or that the sex offender visits or is likely to visit on a regular basis, and contact with the sex offender is reasonably probable.

C. Department Notification To The Public

1. Santa Clara County law enforcement agencies may use virtually any means to notify the public. Each agency will determine the method and scope of public notification. Notification may be accomplished through TV spots, radio announcements, newspapers, flyers, electronic medium, or personal contacts.



**Chief Dennis Graham
Milpitas Police Department
Chair, Police Chiefs' Association of
Santa Clara County**

8-13-09
Date