



POLICY/PROCEDURE NUMBER: 02-S.O.-002 Page 1 of 5 with one Appendix

SUBJECT: IMPLEMENTATION OF SEX-OFFENDER LAWS

EFFECTIVE DATE: January 7, 2015

REVIEW DATE: January 7, 2016

AMENDS/SUPERSEDES: SOP #100-40 - Implementation of Megan's Law (October 26, 2001);
October 28, 2002 version; July 12, 2007 version; January 27, 2010
version; February 16, 2011 version; January 8, 2014 version.

IACLEA STANDARDS: N/A

CSU POLICE DEPARTMENTS SYSTEMWIDE OPERATIONAL GUIDELINE - YES

APPROVED: Anne P. Glavin, Chief of Police

I. PURPOSE

This guideline is intended to provide guidance in the implementation of Megan's Law; the registration of sex offenders on campus pursuant to California Penal Code Section 290 et. seq.; and in response to a campus community request to view campus sex offender information pursuant to California Penal Code Section 290.01(d)(4)(A).

II. BACKGROUND

California's Megan's Law establishes the procedures for the dissemination of information regarding certain sex offenders. Effective October 28, 2002, Penal Code Section 290.01 was expanded and requires sex offenders to register with university police. In June 2012, Penal Code Section 290.01 was expanded to include procedures for the community in requesting to view campus sex offender information.

III. REGISTRATION OF SEX OFFENDERS

The California State University, Northridge Police Department will register sex offenders Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. or by appointment (excluding all holidays recognized by the university). All sex-offender registrants will be referred to the Investigations Unit for intake. The detective registering the sex offender will fill out the appropriate paperwork and cause the information to be entered in the California Sex and Arson Registry (CSAR). All paperwork relating to the registration process will be maintained in an investigative file within the Investigations Unit. The

appropriate forms (i.e., SS-8102, SS-8047, and SS-8072) can all be found on the Department server. A case number will not be used for the registration of sex offenders.

Generally, sex offender registration information will not be released to non-law-enforcement personnel, including university administration. Information regarding sex offenders will be given to the public pursuant to the requirements mandated under Megan's Law.

- A. Convicted sex offenders are required to register under Section 290 if:
 - 1. Residing on the university campus; or
 - 2. Enrolled as a student of the university; or
 - 3. Employed by the university, either full-time or part-time (includes both paid employees and volunteers); or
 - 4. Working or carrying on a vocation at the university (e.g., contractors) for more than 14 days or for an aggregate period exceeding 30 days in a calendar year (includes both paid workers and volunteers).
- B. The persons listed above must register with the university police within five working days of commencing enrollment or employment with the university. Registrants are also required to notify the university police within five days of ceasing to be enrolled or employed or ceasing to carry on a vocation at the university.
- C. University police departments are to follow the sex-offender registration procedures outlined by the Department of Justice (DOJ). All sex-offender registration information shall be entered in CSAR and the appropriate DOJ forms completed.

IV. IMPLEMENTATION OF MEGAN'S LAW

The purpose of this portion of the guideline is to provide information on procedures for the dissemination of information regarding certain registered sex offenders under California's Megan's Law, pursuant to Penal Code Sections 290 and 290.45.

- A. Penal Code 290.45 states that any designated law-enforcement entity may provide information to the public about a person required to register as a sex offender pursuant to Section 290 by whatever means the entity deems appropriate, when necessary to ensure the public safety, based upon information available to the entity concerning that specific person.
 - (1) The law-enforcement entity shall include, with the disclosure, 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.
 - (2) Information that may be provided pursuant to subdivision (a) may include, 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 under this section, and date of release from confinement, but excluding information that would identify the victim.

(3) The designated law-enforcement entity may authorize persons and entities who receive the information pursuant to this section to disclose information to additional persons only if the entity determines that disclosure to the additional persons will enhance the public safety and identifies the appropriate scope of further disclosure. A law-enforcement entity may not authorize any disclosure of this information by its placement on an Internet Web site.

(4) A person who receives information from a law-enforcement entity pursuant to paragraph (1) may disclose that information only in the manner and to the extent authorized by the law-enforcement entity.

B. Department Notification

1. Agencies or Entities that can be Notified

Public and private educational institutions, day-care establishments, and organizations that primarily serve individuals likely to be victimized by the offender may be notified by the department that a sex offender lives, works, or otherwise frequents the area. Each department should be aware of the geographic boundaries of the area served in its jurisdiction.

2. Uniform Implementation

There should be uniform implementation of the department's disclosure of information to these entities. For example, if the department chooses to notify one school of a sex offender in its area, it should notify all schools in the department's jurisdiction of sex offenders posing a risk to children.

3. Updating

The department should update its information on the addresses of sex offenders in the defined area.

4. Other Community Members who can be Notified

The department may notify other community members at risk. For example, a department may choose to notify women who reside in the same block as a rapist, or a department may decide to notify parents of children living near a park where a sex offender is known to frequent.

V. ACCESS BY LAW-ENFORCEMENT FOR PROACTIVE DISSEMINATION OF INFORMATION TO THE PUBLIC ABOUT SEX OFFENDERS:

University police departments should obtain the information via the CLETS, California Sex and Arson Registry/Supervised Release File.

- A. A peace officer must have reasonable suspicion, based upon information which has come to his or her attention, that a person may be at risk from the sex offender, and the offender is likely to encounter that person.

- B. When these conditions are met, the field officer shall obtain approval from the Chief of Police or her/his designee before disseminating information to the public. Any disclosure must comply with the requirements of Penal Code Section 290.

VI. PROACTIVE DISSEMINATION TO THE PUBLIC ON SEX OFFENDERS

- A. Law enforcement can disseminate information by whatever means the department deems necessary to ensure public safety. The information disclosed must comply with the requirements of Penal Code Section 290.45.
- B. If a department disseminates information on a sex offender, it must maintain a record of the means and dates of dissemination for a minimum of five years. The Supervised Released File may be utilized to maintain this record.

VII. REQUEST TO VIEW CAMPUS SEX OFFENDER INFORMATION

- A. Pursuant to California Penal Code section 290.01(d)(4)(A), any member of the campus community who requests campus sex offender information pursuant to this subdivision, shall sign a statement (see appendix A) stating that he/she is not a registered sex offender, and they understand the release of this information is to allow members of the campus community to protect themselves. It is unlawful to use information obtained pursuant to this subdivision to commit a crime against a registrant or to engage in illegal discrimination or harassment of any registrant.
- B. Pursuant to California Penal Code section 290.01(d)(4)(A)&(B), the signed statement (Appendix A) and any disseminated information provided (in printed form to include the means and dates of dissemination) shall be maintained in a file within the department's Records Unit for a minimum of five (5) years. Completed request for information forms (Appendix A) are confidential records and not to be released except in accordance with the law.
- C. Response to a request for campus sex offender information must be provided in-person to the requesting party within 10 calendar days as pursuant to the California Public Records Act (Govt Code §§ 6250 - 6276.48). All requests to view campus sex offender registrant information are to be made via the following process:
 1. DOJ form shown in Appendix A is completed by requesting party and signed in the presence of the Records Administrator.
 2. Records Administrator will contact a police detective to verify requesting party is not a registered sex offender and is a member of the CSUN community (i.e., student, faculty, staff, vendor, contractor).
 3. If the requesting party is not a registered sex offender and is a member of the CSUN community, then the Records Administrator will provide the request to the Chief of Police for review and approval. If the requesting party is a registered sex offender and/or not a member of the CSUN community, then the request will be denied documenting the reason for the denial, date/time of denial, and signed by the Records Administrator.

4. The Chief of Police will review those requests forwarded to her by the Records Administrator and grant approval to provide the below eligible information to the requesting party.
5. Records Administrator will sign the DOJ Request form and place the date/time the record information was provided.

Information eligible for release upon receipt of a request include the following:

1. Offender's full name (first, middle, last)
2. Known Aliases
3. Date of Birth
4. Sex
5. Height
6. Weight
7. Eye Color
8. Hair Color
9. Ethnicity
10. Convicted Sex Offenses
11. Year of last conviction and year of last release.
12. Residential Address (current and/or last known)
13. Scars/Marks/Tattoos

VIII. INTERNET

Information about sex offenders may not be placed on the Internet.

VIV. APPENDIX

- A. State of California CJIS 8040 (Orig. 06/2012)

Appendix A



STATE OF CALIFORNIA
CJIS 8040
(Orig. 06/2012)

DEPARTMENT OF JUSTICE

REQUEST TO VIEW CAMPUS SEX OFFENDER INFORMATION
(Penal Code § 290.01(d)(4)(A).)

Pursuant to California Penal Code section 290.01(d)(4)(A), any member of the campus community who requests information pursuant to this subdivision, shall sign a statement stating that he/she is not a registered sex offender, and they understand the release of this information is to allow members of the campus community to protect themselves. It is unlawful to use information obtained pursuant to this subdivision to commit a crime against a registrant or to engage in illegal discrimination or harassment of any registrant.

SECTION A - TO BE COMPLETED BY PERSON REQUESTING TO VIEW RECORDS			
FULL NAME			
Last	First	Middle	Suffix
DATE OF BIRTH	DRIVERS LICENSE OR IDENTIFICATION CARD #	STATE	STUDENT I.D./NUMBER
ADDRESS	Street Number and Name		Apartment/Unit Number
City	State	Zip Code	TELEPHONE NUMBER
<p>My signature below certifies I understand and acknowledge the following:</p> <ol style="list-style-type: none"> 1. I am not a registered sex offender as described under California Penal Code section 290. 2. I am a member of this campus community. 3. The purpose of the information released is to protect myself and my children from sex offenders. 4. It is unlawful to use this information to commit a crime against a sex registrant or to engage in illegal discrimination or harassment of any sex registrant. 			
SIGNATURE OF PERSON VIEWING RECORDS			DATE
SECTION B - TO BE COMPLETED BY CAMPUS LAW ENFORCEMENT OFFICIAL			
NAME OF AGENCY (Do not abbreviate)			TELEPHONE NUMBER
OFFICER NAME AND TITLE			ORI
COMMENTS			
<p>I verified that the individual described above is not a registered sex offender and is a member of this campus community. I witnessed their signature above and provided sex offender information to the individual pursuant to California Penal Code section 290.01(d)(4)(A).</p>			
SIGNATURE OF WITNESSING OFFICER			DATE

Pursuant to California Penal Code section 290.01(d)(4)(A)&(B), this signed statement shall be maintained in a file in the agency's office and any agency disseminating printed information pursuant to this subdivision shall maintain records of the means and dates of dissemination for a minimum of five (5) years. Completed forms are confidential records and not to be released except in accordance with the law.