


TO: Jim L. App, City Manager
FROM: Dennis J. Cassidy, Chief of Police 
SUBJ: Public Notification of Registered Sex Offenders in the City of Paso Robles
DATE: October 5th, 1999

NEEDS: For the Paso Robles Police Department to release information regarding Registered Sex Offenders that reside in the City of Paso Robles.

- FACTS:
1. The Department of Justice has released Penal Code Section 290 PC Registrants CD-ROM (Megan's Law CD-ROM) for September, 1999.
 2. According to the Megan's Law CD-ROM, there are 123 registered sex offenders living within the 93446 zip code area. This number is broken down as 19 "other" sex offenders, 102 "serious" sex offenders and two (2) "high risk" sex offenders
 3. We have found, however, that the above numbers are not an accurate depiction of the actual number of registered sex offenders living within the city limits of Paso Robles. Of the 123 registered sex offenders mentioned above, 29 of these offenders live in the surrounding county but maintain a post office box within our city.
 4. When querying the CD-ROM using the Paso Robles Police Department's Originating Agency Identifier (ORI) number, the CD-ROM shows 94 registered sex offenders living within the actual city limits of Paso Robles. This number is broken down as 15 "other" sex offenders, 77 "serious" sex offenders and two (2) "high risk" sex offenders.
 5. After an in depth investigation regarding the number of registered sex offenders identified by the CD-ROM using the Police Department's ORI number, the number was reduced to 46 registered sex offenders actually living within the Paso Robles city limits. This number is broken down as 11 "other" sex offenders, 34 "serious" sex offenders and one (1) "high risk" sex offender. The reasons for this reduction were several. Five of these offenders have either recently moved to county areas or were erroneously listed as living within the City limits on the CD-Rom, one offender is confirmed deceased, seven offenders are currently incarcerated, eight offenders are confirmed as having moved out of state or in excess of 200 miles from our City, 9 are from 15 years to 29 years out of compliance and can not be located within the State of California, five are recently out of compliance and cannot be located and 13 were bad addresses and/or duplicate entries.
 6. When classifying registered sex offenders under California's Megan's Law, the following criteria is applied: A sex offender registered as "other" is convicted only of certain offenses not included within the other two categories. Registrants convicted only of incest or spousal rape are not listed on the CD-ROM in order to better protect the identity of the victim(s). A sex offender registered as "serious" has been convicted of assault with intent to commit specified sex offenses, rape, sodomy with a minor or by force, lewd and lascivious conduct with a child or dependent adult, oral copulation with a minor or by force, continuous sexual abuse of a child, foreign object penetration, child molestation, kidnapping with intent to commit specified sex offenses, felony sexual battery, felony enticement of a child for purposes of prostitution or abduction of a child for purposes of prostitution. A sex offender registered as "high risk" are "serious" sex offenders who have been convicted of at least one violent sex offense and one or more violent non-sex crimes, i.e., kidnapping, murder or manslaughter.
 7. Information regarding "high-risk" sex offenders is subject to public disclosure. The information can be released to certain entities and persons at risk, PC 290 (m) or to an entire community, PC 290 (n).

8. Information regarding "serious" sex offenders is subject to limited disclosure. The information can be released to certain entities and persons at risk, PC 290 (m).
9. Information regarding "other" sex offenders may not be disseminated to the public.

**ANALYSIS &
CONCLUSION:**

Many agencies spend a lot of time figuring out the actual area to be targeted for the public disclosure. Paramount, each potential disclosure must be evaluated individually for the suitability of such a disclosure. The Penal Code itself does not mandate a specific boundary; however, it is important to maintain consistency and justification within each agency as to the scope of the disclosure. Penal Code section 290(m) requires that specific conditions be met prior to public notification regarding "serious" sex offenders. Information regarding "serious" sex offenders can only be released if a peace officer reasonably suspects that a person may be at risk. This information may be provided to persons, agencies, or organizations the offender is likely to encounter.

For the purpose of clarification, "likely to encounter" means both of the following:

The agencies, organizations, or other community members are in a location or in close proximity to a location where the offender lives or is employed, or that the offender visits or is likely to visit on a regular basis.

The types of interaction that ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably probable.

For purposes of California's Megan's Law, "at risk" means a person is or may be exposed to a risk of becoming a victim of a sex offense committed by the offender, PC 290(m)(8). "Reasonably suspects" means it is objectively reasonable for a peace officer to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect that a child or other person is at risk, PC 290(m)(7).

Pursuant to PC 290(n), "high risk" sex offender notifications may be released to an entire community. It is not necessary to apply the same test of "likely to encounter" and "at risk" to determine when and to whom to release "high risk" sex offender information. However, the notification may be only as broad as is necessary for the protection of the public and following an individualized assessment of the risk posed by the "high risk" sex offender in question. This information can be provided directly to the media such as providing the information in a press release.

Methods of determining a notification area that have been used by agencies in California include:

- A one mile radius.
- A five mile radius (rural community).
- A one census tract, plus abutting tracts.
- A specific type of victim or location, based on circumstances of the previous offenses of the offender.
- A visual determination of neighborhood boundaries, taking into consideration natural landform and man made boundaries, industrial areas, etc.
- Setting parameters so notification is made to the most restricted community possible.

Notifications to the offender's place of employment and surrounding areas also may be considered. This type of notification should be approached cautiously. Issues to consider might be:

Does the offender have access to potential victims through his employment?

Recent cases in other states have questioned notifications to employers when it was deemed punitive in nature. The courts have pointed out that the offender is entitled to make a living. When providing notification to an offender's employer, that notification should be carefully considered and articulated.

None of the above mentioned considerations precludes an agency from notifying another law enforcement agency that the offender works in or frequents their area. Information should be readily exchanged between jurisdictions so that law enforcement is always aware of the offenders in their area.

In an attempt to allow members of the public to protect themselves and their children from sex offenders, the Paso Robles Police Department will release information "community wide" regarding any "high risk" sex offender living within the city limits by the use of the local media, handouts and other means deemed appropriate at the time.

Information released to the public regarding a "serious" sex offender will be at the discretion of the Chief of Police. Any information released regarding any sex offender will be approved by the Chief of Police prior to release.

**POLICY
REFERENCE:**

Paso Robles Police Department Rules and Regulations Section 5.08 CONTROL OF RECORDS, subsection Q Dissemination of Information Under California's Megan's Law

**FISCAL
IMPACT:**

Undetermined

OPTIONS:

1. The Paso Robles Police Department will make public notifications of registered sex offenders residing and/or employed within the city limits in accordance to PC 290. Any notification will be subject to the approval of the Chief of Police.
2. Amend, modify or reject the above option.



Q. Dissemination of Information Under California's Megan's Law:
The purpose of this section is to establish a uniform procedure for the dissemination of information regarding certain registered sex offenders under California's Megan's Law within the City of Paso Robles. (Penal Code Sections 290 and 290.4)

1. The policy of the Paso Robles Police Department is to disseminate information to the citizens of Paso Robles on certain registered sex offenders in accordance with California's Megan's Law. The California Department of Justice (DOJ) has categorized each registered sex offender as Serious, High Risk or other. Disclosure under Megan's Law is allowed only for Serious and High Risk offenders.
 - a. Officers can identify the category of an offender by accessing the CD-ROM (supplied by DOJ), through CLETS (Violent Crime Information Network/Supervised Release File), or by contacting DOJ directly.
2. Definitions: Categories of registered sex offenders as determined by the California Department of Justice (DOJ):
 - a. Serious Sex Offenders: A serious sex offender is a registrant convicted of a felony sex offense (except those listed in the "other" category) or of misdemeanor child molestation.
 - b. High Risk Sex Offenders: A high risk sex offender is a serious sex offender who has been identified by DOJ as having a higher risk of re-offending and who may pose a greater danger to the public because of additional felony convictions related to their violent sex offense, i.e., burglary, kidnapping, mayhem, etc.
 - c. Other Registered Sex Offenders: Other registered sex offenders are misdemeanants, except misdemeanor child molest per Penal Code Sections 647.6 and 288, and those felons convicted of repeated indecent exposure, pornography and related offenses, and spousal rape. Information on these individuals may not be released to the public.
3. Access to the CD-ROM on Serious and High Risk Offenders:

- a. Access by the public: The public version of the CD-ROM will be maintained by the San Luis Obispo County Sheriff's Department, including the North County Substation in Templeton. Any public inquiries to access the CD-ROM should be referred to the SLO Sheriff's Department. If the applicant making the request to access the CD-ROM is unable to get to the Sheriff's Department, the applicant can be referred to the DOJ hotline number, (900) 463-0400.
- b. Access by officers for proactive dissemination to the public about Serious Sex Offenders: This information should be obtained by Officers by utilizing CLETS (Violent Crime Information Network/Supervised Release File).

4. Information Released by Officers or Detectives:

- a. A police officer must have:
 - 1. Reasonable suspicion
 - 2. Based on information which has come to his or her attention
 - 3. That a person might become a victim of the serious sex offender
 - 4. The offender is likely to encounter that person and the person is at risk of becoming a victim.

When these conditions are met, officers may disclose the sex registration information of the offender to the potential victim or his/her parents/guardian if the potential victim is a juvenile. The officer shall obtain approval from the on-duty Watch Commander before disseminating the information to any member of the public. Detectives shall obtain approval from the Watch Commander in the absence of the Detective Bureau Commander prior to disseminating information. The Watch Commander or Detective Bureau Commander will ensure that prior to any dissemination, the information is verified through CLETS.

- a. The officer disseminating the information shall complete the Field Disclosure form. The

officer shall state that the information is being provided to allow members of the public to protect themselves and their children from sex offenders. The Field Disclosure form has a section for the officer to complete articulating the reason for the disclosure.

- b. The officer will obtain a signature of the person to whom the information was disclosed and forward the Field Disclosure form to Dispatch. Dispatch will enter a note of the disclosure in the offender's Supervised Release File. Dispatch will forward the form to the Special Enforcement Team, where it will be maintained in a file. In the case of a disclosure to a group, the officer only needs to obtain a signature of the person in charge of the group.

5. Departmental Notification – Serious Offenders:

- a. Agencies or entities which can be notified: Public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender may be notified by the department that a serious sex offender lives, works, or otherwise frequents the area. Each individual offender will be considered on a case by case basis with regard to geographical location and likelihood of coming in contact with an individual at risk.
- b. Uniform Implementation: If this department notifies one agency or entity about a serious sex offender in its area, the notification will be made to all the agencies or entities of the serious sex offender(s) posing a risk to children in the involved area.
- c. Those persons or entities that receive information about serious sex offenders must be notified and agree that they shall not disclose this information to any other persons except as expressly permitted by the Chief of Police.
- d. The Chief of Police shall only authorize those persons or entities who receive information about serious sex offenders

under this section 5 to disclose that information to those who meet the criteria in subparagraph a above, as determined by the Chief of Police, and within an appropriate scope of disclosure, as determined by the Chief of Police.

6. **Updating:** It will be the responsibility of the Special Enforcement Team to update information on serious and high risk sex offenders on a quarterly basis. The Special Enforcement Team will also inform any entities to which it has disclosed information of new serious sex offenders in the defined area.
7. **Records:** The Special Enforcement Team shall be responsible for keeping a record on each disclosure to the public. The record will state why the disclosure was made.
8. **Information That May be Disclosed:** The Paso Robles Police Department may disclose any and/or all information permitted by Penal Code Section 290, subdivision (m) (4). (Listed on the Field Disclosure Form). Information identifying the offender's victim **WILL NOT BE DISCLOSED**. As a general rule, this department will not disclose the specific address of the offender's residence or business. If the Chief of Police determines a need to disclose the specific addresses, an officer must go to the offender's residence/business to verify that the offender, in fact, lives or works there, prior to disclosure. Verification must be obtained by personal contact with the offender, employer or landlord.
 - a. **Public Disclosure:** Each public disclosure by this department of a serious sex offender, must be accompanied by a statement of intent, i.e., the reason for the release of the information to citizens of Paso Robles was to allow them to protect themselves and their children from the sex offender.
9. **Method of Disclosure:** The method the Paso Robles Police Department utilizes in notifying institutions, entities or community members at risk shall be the same in all cases.
 - a. If a flyer with the photograph of a child molester is disseminated to one childcare center, such flyer shall be used in all similar situations.

- 1) The information disclosed must be directed at and limited to the institutions, entities, or community members at risk.
10. Other Community Members Who Can be Notified: The Paso Robles Police Department may notify other community members at risk, i.e., persons who reside in the same block as a convicted rapist, or parents of children living near a park which a serious sex offender is known to frequent.
 11. Proactive Dissemination to the Public of High Risk Sex Offenders: Unlike dissemination in the field as to serious sex offenders, there is no need to have a peace officer with a reasonable suspicion that anyone would be a potential victim of a high risk sex offender in order to disseminate information on the high risk offender., Since there are fewer restrictions on dissemination of information on high risk offenders, an officer or detective investigating a high risk sex offender may disclose the high risk status of the offender without a potential victim but shall obtain watch commander approval before disseminating the information. Detectives shall obtain Watch Commander approval in the absence of the Detective Bureau Commander. Residence or business addresses must be verified before disclosure, as discussed above with serious sex offenders.
 12. Departmental Notification to the Public: If a high risk sex offender, identified by DOJ, is living in the City of Paso Robles, the Chief of Police may actively disseminate the information through any means in the city of Paso Robles. Billboards, newspaper ads, flyers, radio announcements and television spots can be used to publicize the presence of a high-risk sex offender in the community.
 - a. If the City of Paso Robles has a subject living in the City who is believed to fall in the High Risk sex offender category, and is not identified by DOJ as a High Risk sex offender, it shall be the responsibility of the Special Enforcement Team to contact DOJ for verification prior to any public dissemination.
 - 1) The Special Enforcement Team will maintain a record for a minimum of five years on any information disseminated to the public on a

High-Risk sex offender. The Supervised Release File may be utilized to maintain this record.

13. Internet: No member of the Paso Robles Police Department will put any information about sex offenders on the Internet.
14. Advice to Media and the Public: No member of the Paso Robles Police Department will give legal advice to the media or public regarding the disclosure of information covered in this section. No member of the Paso Robles Police Department will release information to the media regarding registered sex offenders without approval of the Chief of Police.
15. Cross Reference: Guidelines for the Development of a Policy to Implement Megan's Law, California Department of Justice, dated February 5, 1997, and San Luis Obispo County Criminal Justice Administrators Association Operational and Procedural Protocol, dated March 19, 1997.

October 5, 1999

Dear Community Member:

The Paso Robles Police Department is working to keep children safe from sex offenders, but we need your help also. As reported in the news media, California's so-called "Megan's Law" is in effect. This law allows the Police Department to release information, in certain circumstances, on registered sex offenders.

This new law is named after seven year old Megan Kanka, who was murdered by a registered sex offender who lived across the street from her. The law at that time did not allow the release of sex offender information to the public. The law has been changed to permit the release of information on certain registered sex offenders allowing potential victims to protect themselves and allowing parents to protect their children. The Police Department has developed the attached maps. These maps indicate approximate locations of registered "Serious" or "High Risk" sex offenders within the community. A registered "Serious" or "High Risk" sex offender lives within the general area identified by the symbol on the map. *The position of each symbol **DOES NOT** identify a **SPECIFIC** address where a sex offender lives.* Please review these maps to see whether your child may be at-risk because they live in the general area or pass through an area where a registered "Serious" or "High Risk" sex offender may live.

If you believe that your child (or another child) is at-risk from a sexual offender, you have several options available to you:

- You may contact the Paso Robles Police Department's Special Enforcement Team (237-6464) to meet with an officer to obtain additional information, or, if special circumstances exist, to determine the exact address of an offender.
- You may go to the San Luis Obispo County Sheriff's Department's North Station, 65 North Main St., Suite 105, Templeton, CA (237-3000) and view the Megan's Law CD-ROM, which contains the names and photographs of all "Serious" and "High Risk" registered sex offenders. Public access to the CD-ROM is available Tuesdays and Thursdays, 1:00 PM - 5:00 PM. (No appointment is necessary). To query the CD-ROM you must specify a name, county or zip code. (You must be 18 years or older to view the CD-ROM)
- If you are unable to go to the San Luis Obispo County Sheriff's Department, you may call the Department of Justice Hotline at (900) 463-0400 to request information.
- You should inform your child of the presence of sex offenders and take actions such as altering their route to school, or assuring that they have adult supervision while in the area of a sex offender. Keeping our children safe is everyone's responsibility.

The Paso Robles Police Department has developed the information for this letter from updated information available from the California Department of Justice.

Thank you for your cooperation and for helping to keep our children safe.

Dennis J. Cassidy
Chief of Police

PASO ROBLES POLICE DEPARTMENT
MEGAN'S LAW FIELD DISCLOSURE

OFFICER: _____ DATE: _____ CASE # _____

TYPE OF DISCLOSURE: Individual Agency Group Other

SEX REGISTRATION INFORMATION DISCLOSED REGARDING (REGISTRANT NAME):

NAME: _____ DOB: _____
 LAST FIRST MIDDLE

INFORMATION ALLOWED FOR RELEASE: Name , AKA's , Gender , Race, Physical Desc., Photo, DOB, Crimes Resulting in Registration, Veh. Desc. And License Number, Type of Victim Targeted, Relevant Parole/Probation Conditions, Dates of Crimes, Date of Release from Confinement

PERSON(S) TO WHOM INFORMATION DISCLOSED:

NAME: _____ DOB: _____

ADDRESS: _____

TELEPHONE: _____

NAME: _____ DOB: _____

ADDRESS: _____

TELEPHONE: _____

(LIST ADDITIONAL NAMES, IF AVAILABLE, ON BACK OF FORM)

MEANS OF NOTIFICATION: VERBAL WRITTEN POSTER OTHER

CIRCUMSTANCES INITIATING DISCLOSURE: _____

THE PURPOSE OF THE RELEASE OF THE FOLLOWING INFORMATION IS TO ALLOW MEMBERS OF THE PUBLIC TO PROTECT THEMSELVES AND THEIR CHILDREN FROM SEX OFFENDERS.

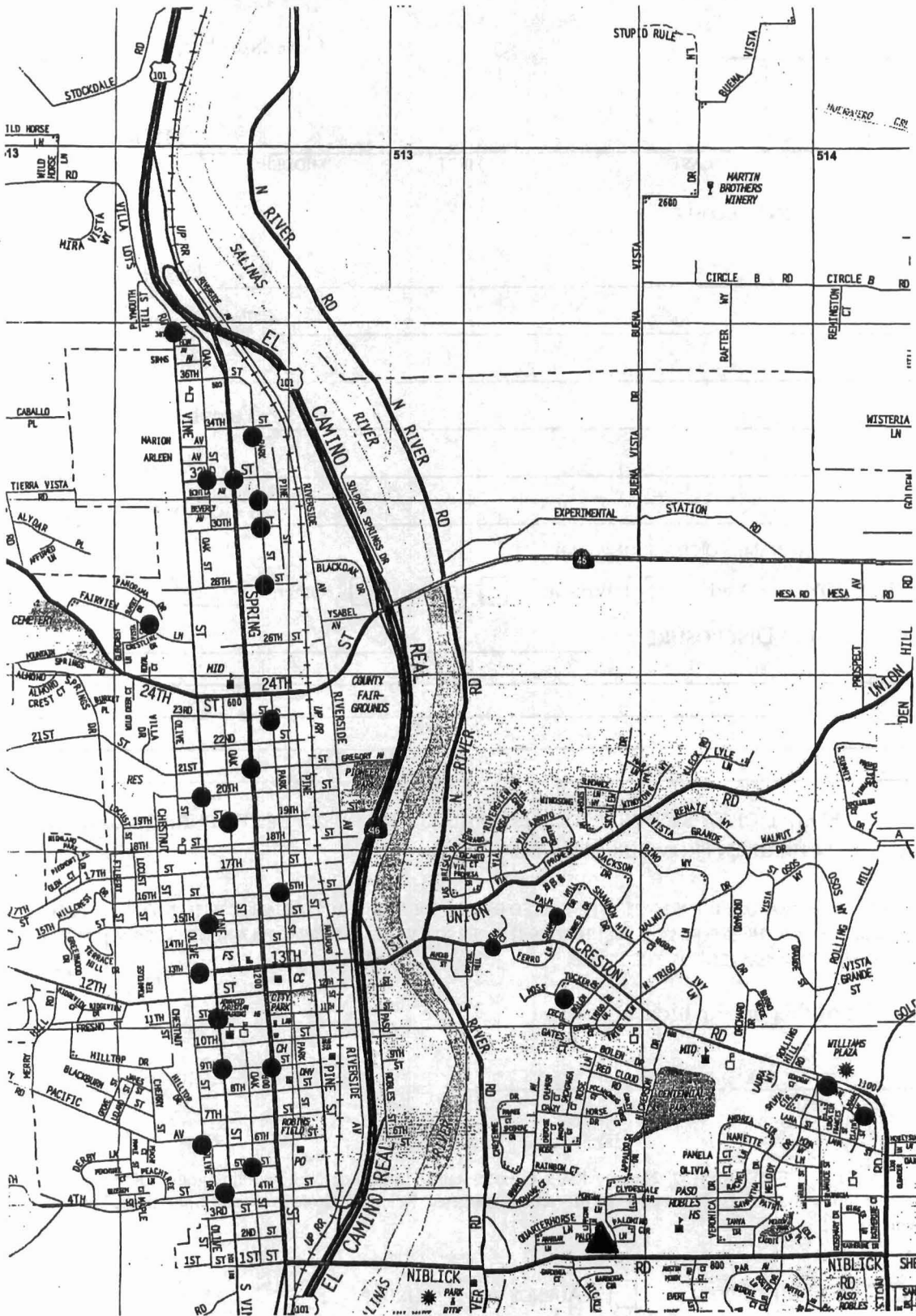
A MEMBER OF THE PUBLIC MAY NOT USE INFORMATION OBTAINED BY ANY MEANS IN ACCORDANCE WITH MEGAN'S LAW TO COMMIT ANY CRIME. CRIMINAL MISUSE OF THE INFORMATION SUBJECTS THE PERSON WHO MISUSES IT TO A SENTENCE ENHANCEMENT IN ADDITION TO THE PUNISHMENT MANDATED FOR THE CRIME.

I ACKNOWLEDGE RECEIPT OF THIS INFORMATION:

SIGNATURE _____

DATE _____

"This information is being released pursuant to Penal Code section 290. The purpose of the release of this information is to allow members of the public to protect themselves and their children from sex offenders."



"Criminal misuse of this information subjects the person who misuses it to a sentence enhancement in addition to the punishment for the crime committed."

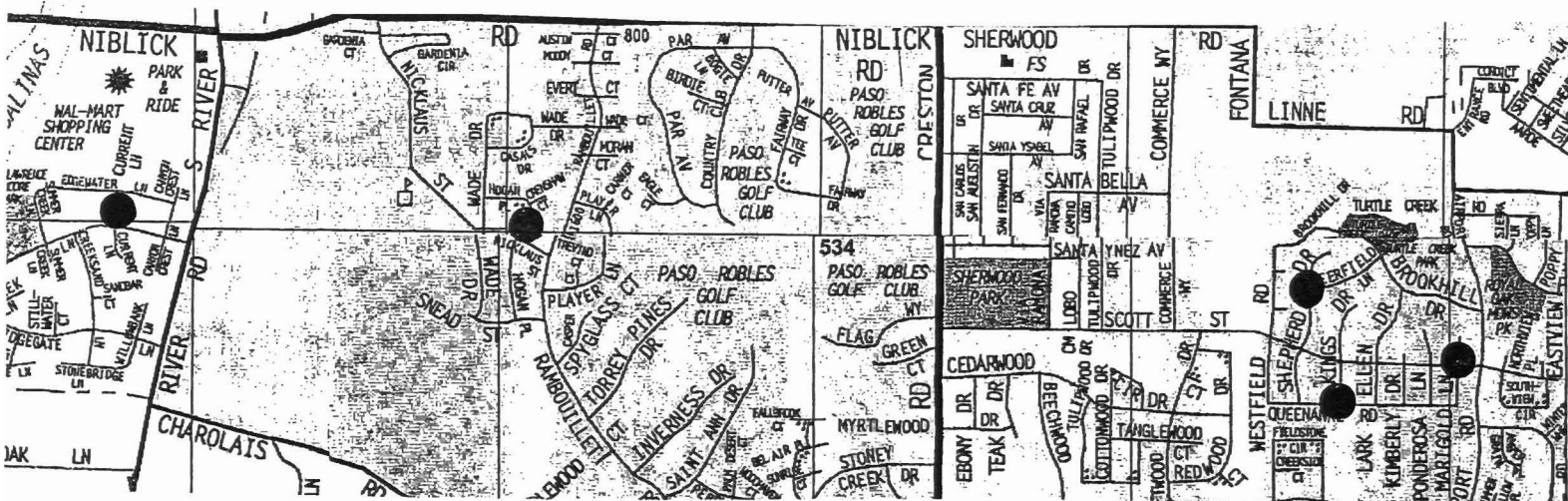
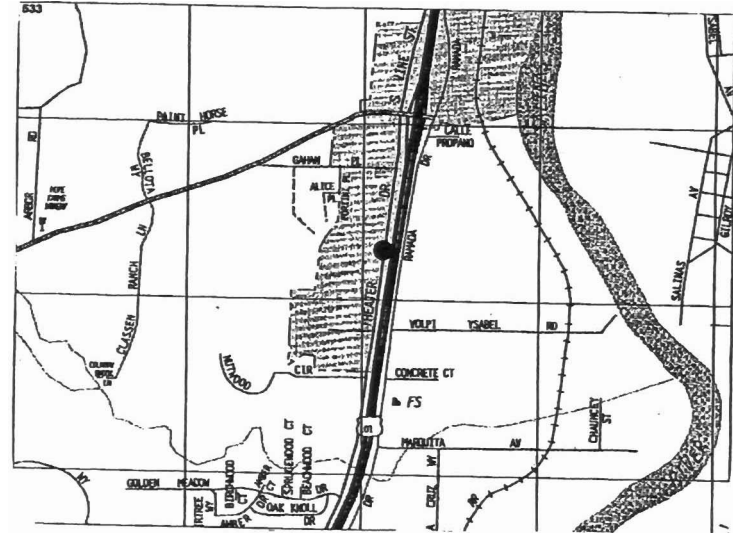
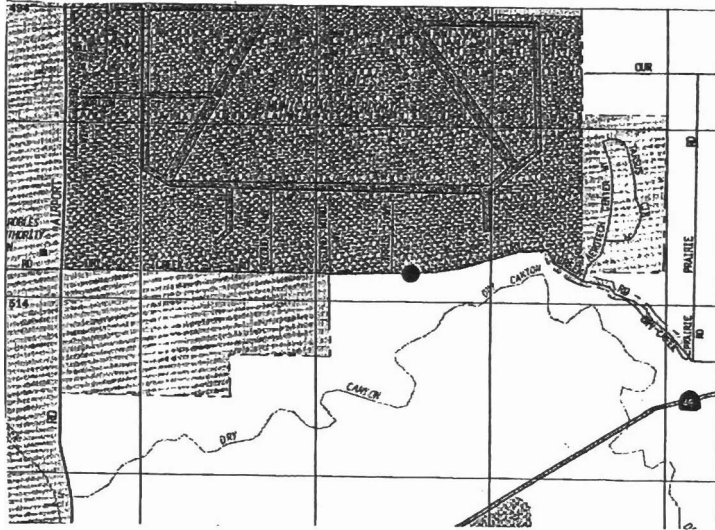
Serious Offender

High Risk Offender

If a location is not indicated on this map, there are no Sex Offenders Registered in that area. ** There is one transient living in the city limits.

**Paso Robles Police Department
Registered Sex Offenders
June 1999**

"This information is being released pursuant to Penal Code section 290. The purpose of the release of this information is to allow members of the public to protect themselves and their children from sex offenders."



"Criminal misuse of this information subjects the person who misuses it to a sentence enhancement in addition to the punishment for the crime committed."

● Serious Offender ▲ High Risk Offender

* If a location is not indicated on this map, there are no Sex Offenders Registered in that area. ** There is one transient living in the city limits.