



**RELEASE OF SEXUAL OFFENDER INFORMATION
“MEGAN’S LAW”
GENERAL ORDER #16.02**

Adopted: 06/15/05

Revised 09/22/05

Replaces: NEW ORDER

POLICY

The State of California enacted Megan’s Law in September of 1996. The purpose of this law is to allow law enforcement agencies to give notice to members of the public who are at risk of becoming victims to certain categories of convicted sex offenses. *A subsequent law (Penal Code §290.46) was passed requiring the California Department of Justice to make available to the public, via an Internet Web site, information concerning persons who are registered sex offenders. This expanded access allows the public for the first time to use their personal computers to view information on sex offenders required to register with local law enforcement under California's Megan's Law. Previously, the information was available only by personally visiting police stations and sheriff offices or by calling a 900 toll-number. The new law was given final passage by the Legislature on August 24, 2004 and signed by the Governor on September 24, 2004. Local law enforcement agencies, under statutes defining the type and extent of notice allowed, may also notify their communities about the presence of designated registered sex offenders in their area. This is usually done only when an offender is suspected of posing a risk to the public (Penal Code §290.45).* This General Order establishes a protocol for the dissemination of information regarding certain registered sex offenders under California’s Megan’s Law (Penal Code §290 and §290.4). The mechanisms for notice include both public dissemination and *Internet access* to sex offender information. There are two levels of access to DOJ’s Internet based data. The public website is limited and is used by members of the public in making an inquiry. *A separate, secure and confidential website* provides more comprehensive information and is accessible only by law enforcement personnel.

PROCEDURE

A. REGISTRATION REQUIREMENTS

1. *Initial Registration - By law, persons convicted of specified sex crimes are required to register as sex offenders with a local law enforcement agency. Prior to release from prison, jail, a mental hospital, or on probation, sex offenders are notified in writing of their duty to register, and a copy of the notification form is forwarded to DOJ. When a sex offender is released into the community, the agency forwards the registration information to DOJ.*
 - a. *Penal Code section 290 requires mandatory registration as a sex offender for persons convicted of the sex offenses listed in that section [Penal Code §290(a)(2)(A)-(E)]. Even if the offense is not listed in section 290, the person may be ordered by a court to register as a sex offender if the criminal offense committed was sexually motivated. Section 290 applies automatically to the enumerated offenses, and imposes on each person convicted a lifelong obligation to register.*
 - b. *The registrant must appear in person to register with the police department of the city in which he or she resides, or with the sheriff's department if he or she resides in an unincorporated area or city which has no police department. The person has five working days to register after release from custody or on probation, or after coming into, or changing his or her residence within, any city or county.*
2. *Campus Registration - Every person required to register under Penal Code section 290 who resides at, or is living as a transient upon, or is enrolled or carries on a vocation at, or is employed by Stanford University, for more than fourteen days, or for an aggregate period exceeding thirty days in a calendar year, must also register with the Stanford University Department of Public Safety within five working days of commencing residence, enrollment or employment at this university. The terms "carries on a vocation or is employed" include employment whether or not financially compensated, volunteered, or performed for government or educational benefit. This registration requirement is in addition to registering with the police or sheriff's department having jurisdiction over his or her residence (Penal Code §290.01).*

3. Registration of Sex Offenders Who Come to School or Work in California - Students and employees who reside out of state but go to school or work in California must register as sex offenders here if they are required to register in their state of residence (Penal Code §290, subd. (a)(1)(G). An employee is defined as a person who is employed in California on a full or part-time basis, with or without compensation, for more than fourteen days, or for an aggregate period exceeding thirty days in a calendar year. A student is defined as a person who is registered in an educational institution, as defined in Education Code section 22129, on a full or part-time basis. The student/employee must register in the jurisdiction where he or she attends school or is employed.

4. Reporting Changes in Address or University Enrollment/Employment –
 - a. *When registrants change their residence address or become homeless (transient), they are required to update their registration information within five days with a local agency, which forwards that information to DOJ. DOJ updates the registered sex offender database on a daily basis, based on information received from local agencies. DOJ also updates the registered sex offender information on their Internet web site on a daily basis.*

 - b. *Registrants shall also notify the campus police department within five working days of their ceasing to be enrolled or employed, or ceasing to carry on a vocation, at the university.*

 - c. *The Sheriff's Office and the Stanford University Department of Public Safety shall update their information on the addresses of sex offenders on a regular basis, as Registered Sex Offenders report their changes of address, enrollment or employment at the university.*

 - d. *When a sex offender makes a change of address notification to either agency, the employee receiving such a notification shall make immediate notification to the destination jurisdiction.*

5. Updates - Registered sex offenders are required to update their resident address information annually, within five working days of their birthday (Penal Code §290, subd. (a)(1)(D). Some sex offenders must update more often: transients must update every 30 days, and sexually violent predators, every 90 days (Penal Code §290, subd. (a)(1)(C),(E). The Sex Offender Tracking Program keeps track of the next required update, and if a registered sex offender is in violation of the update requirements, the Internet web site will show the registrant as being in violation.

B. CATEGORIES OF REGISTERED SEX OFFENDERS - *There are several categories of registered sex offenders for purposes of disclosure on the Megan's Law Internet web site and through CLETS:*

1. Serious Sex Offender – 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.
 2. High Risk Sex Offenders – High risk sex offenders are serious, *violent* sex offenders who have been identified by DOJ as having a higher risk of re-offending and who may pose a greater risk to the public.
 3. Other Registered Sex Offenders - Other registered sex offenders are misdemeanants (except misdemeanor child molest per Penal Code §647.6 and §288, subd. (c)), 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 except as allowed by law on a university campus (See Section E.9.a below).
 4. Full Home Address Category - *The conviction of certain sex offenses requires that the home address of the offender be posted, along with other information about the registrant [(Penal Code §290.46, subd (b))]. Generally, full address disclosure will occur if he/she has been convicted of any of the following:*
 - a. *Lewd conduct with a child under the age of 14.*
 - b. *A sex offense involving force or fear.*
 - c. *A designated sex crime with a prior or subsequent conviction for a sex crime requiring registration.*
 - d. *An offense resulting in a co commitment as a Sexually Violent Predator as defined in Welfare and Institutions Code §6600.*
 5. Zip Code Only Category - *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 on the web site, all other personal information will be the same [(Penal Code §290.46, subd (d)).*
 6. Undisclosed, “No Post” Category - *Finally, there is a category of registered sex offenders that may not be displayed on the Internet web site. These are registrants who have been convicted of sex offenses not listed in the above three categories.*
-

Offenders in the undisclosed category must still register as sex offenders with local law enforcement agencies, and are known to law enforcement.

C. DEFINITIONS RELATED TO DISCLOSURE OF SEX OFFENDER INFORMATION (PENAL CODE §290.45)

1. *“Likely to encounter” means that the agencies, organizations, or other community members are in a location close 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, and contact with the offender is reasonably probable.*
2. *“Reasonably suspects” means that 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.*
3. *“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.*
4. *“A high-risk sex offender” is a person who has been convicted of an offense specified in Penal Code §290.4, subd. (a)(1) and also meets one of the following criteria:*
 - a. *Has been convicted of three or more violent sex offenses, at least two of which were brought and tried separately.*
 - b. *Has been convicted of two violent sex offenses and one or more violent nonsex offenses, at least two of which were brought and tried separately.*
 - c. *Has been convicted of one violent sex offense and two or more violent nonsex offenses, at least two of which were brought and tried separately.*
 - d. *Has been convicted of either two violent sex offenses or one violent sex offense and one violent nonsex offense, at least two of which were brought and tried separately, and has been arrested on separate occasions for three or more violent sex offenses, violent nonsex offenses, or associated offenses.*
 - e. *Has been adjudicated a sexually violent predator pursuant to the applicable sections of the Welfare and Institutions Code.*

D. ACCESS BY THE PUBLIC TO INFORMATION ON SEX OFFENDERS

1. *The Megan's Law Internet Web Site is accessible to anyone with access to the Internet via <http://www.meganslaw.ca.gov>*
2. *The addition of the Internet web site did not eliminate the legal requirement for law enforcement agencies to make this information available for viewing by the public. Members of the public making such requests of the Stanford University Department of Public Safety shall be referred to the Santa Clara County Sheriff's Office at its' headquarters office in San Jose or at the West Valley Patrol Substation or any local city police department.*
3. *Not every registered sex offender will appear on the Attorney General's Internet web site. Approximately 25% of registered sex offenders are excluded from public disclosure by law. Whether public disclosure is permitted is based on the type of sex crime for which the person is required to register.*
4. ***A person may use the information disclosed on the Attorney General's Web site only to protect a person at risk.** It is a crime to use the information disclosed on the Attorney General's Internet Web site to commit a misdemeanor or felony. Unless the information is used to protect a person at risk, it is also prohibited to use any information that is disclosed pursuant to this Internet Web site or as provided by a law enforcement agency for a purpose relating to health insurance, insurance, loans, credit, employment, education, scholarships, fellowships, housing, accommodations, or benefits, privileges, or services provided by any business. Misuse of the information may make the user liable for money damages or an injunction against the misuse. Before using the information disclosed on this Web site, members of the public may want to consult with an attorney or merely suggest to others that they view the web site for themselves.*
5. *Any person who uses information disclosed on this web site to commit a misdemeanor is, in addition to any other punishment for that misdemeanor, subject to a fine of not less than \$10,000 and not more than \$50,000. Any person who uses information disclosed on this web site to commit a felony shall, in addition to any other punishment for that felony, be punished by a five-year term of imprisonment in the state prison [(Pen. Code, §290.46, subd. (h)(1)].*

E. DISCLOSURE ABOUT REGISTRANTS BY LOCAL LAW ENFORCEMENT AGENCIES (PENAL CODE §290.45 and §290.01)

1. *Local law enforcement agencies, under statutes defining the type and extent of notice allowed, may also notify their communities about the presence of designated registered, serious sex offenders in their area. This is usually done only when an offender is suspected of posing a risk to the public.*
-

2. *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 serious sex offender convicted of a crime listed in Penal Code §290.4(a)(1), a law enforcement agency may, notwithstanding any other provision of law, provide any of the information specified below 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.*
3. *The law enforcement agency may authorize persons and entities who receive the information to disclose information to additional persons only if the agency does the following:*
 - a. *Determines that all conditions set forth in Section E.2. above have been satisfied regarding disclosure to the additional persons.*
 - b. *Identifies the appropriate scope of further disclosure.*
4. *Persons notified pursuant to Section E.2. above may disclose the information provided by the law enforcement agency in the manner and to the extent authorized by the law enforcement agency.*
5. *The information that may be disclosed pursuant to this section includes the following:*
 - a. *The offender's full name.*
 - b. *The offender's known aliases.*
 - c. *The offender's gender.*
 - d. *The offender's race.*
 - e. *The offender's physical description.*
 - f. *The offender's photograph.*
 - g. *The offender's date of birth.*
 - h. *Crimes resulting in registration under Section 290.*
 - i. *The offender's address, which must be verified prior to publication.*

- j. Description and license plate number of offender's vehicles or vehicles the offender is known to drive.*
- k. Type of victim targeted by the offender.*
- l. Relevant parole or probation conditions, such as one prohibiting contact with children.*
- m. Dates of crimes resulting in classification under Section 290.*
- n. Date of release from confinement.*
- o. The offender's enrollment, employment, or vocational status with any university, college, community college, or other institution of higher learning.*

Note: Information disclosed pursuant to this section shall not include information that would identify the victim.

- 6. If a law enforcement agency discloses information pursuant to this section, it shall include, with the disclosure, a statement that 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. A law enforcement agency may continue to disclose information on an offender for as long as the offender is registered pursuant to Penal Code §290.4.*
- 8. In addition to the procedures set forth above, a designated law enforcement entity may advise the public of the presence of high-risk sex offenders in its community. Unlike dissemination in the field as to serious sex offenders, there is no requirement that anyone would be a potential victim of a high risk sex offender in order to disseminate information to the public in a field situation.*
- 9. Registered Sex Offenders on Campus:*
 - a. The following information regarding a registered sex offender on campus, who is not described in Penal Code §290.4(a)(1), may be released to members of the campus community by any campus police department or, if the university, college, community college, or other institution of higher learning has no police department, the police department or sheriff's department with jurisdiction over the campus, and any employees of those agencies, as required by Section 1092(f)(1)(I) of Title 20 of the United States Code:*
 - 1). The offender's full name.*
 - 2). The offender's known aliases.*
 - 3). The offender's gender.*
 - 4). The offender's race.*

- 5). *The offender's physical description.*
 - 6). *The offender's photograph.*
 - 7). *The offender's date of birth.*
 - 8). *Crimes resulting in registration under Section 290.*
 - 9). *The date of last registration or re-registration*
- b.** *The authority provided in this subdivision is in addition to the authority of a peace officer or law enforcement agency to provide information about a registered sex offender pursuant to subdivisions (a) and (b) of Penal Code Section 290.45 and subdivision (a) of Section 290.4, and exists notwithstanding subdivision (i) of Section 290, subdivision (c) of Section 290.4, or any other provision of law.*
- c.** *Any law enforcement entity and employees of any law enforcement entity shall be immune from civil or criminal liability for good faith conduct under this subdivision.*
- d.** *Nothing in this subdivision shall be construed to authorize campus police departments or, if the university, college, community college, or other institution has no police department, the police department or sheriff's department with jurisdiction over the campus, to make disclosures about registrants intended to reach persons beyond the campus community.*
- e.** *Before being provided any information by an agency pursuant to this subdivision, a member of the campus community who requests that information shall sign a statement, on a form provided by the Department of Justice, stating that he or she is not a registered sex offender, that he or she understands the purpose of the release of information is to allow members of the campus community to protect themselves and their children from sex offenders, and that he or she understands it is unlawful to use information obtained pursuant to this subdivision to commit a crime against any registrant or to engage in illegal discrimination or harassment of any registrant. The signed statement shall be maintained in a file in the agency's office for a minimum of five years.*
- f.** *An agency disseminating printed information pursuant to this subdivision shall maintain records of the means and dates of dissemination for a minimum of five years.*
- g.** *For purposes of this subdivision, "campus community" means those persons present at, and those persons regularly frequenting, any place associated with an institution of higher education, including campuses;*
-

administrative and educational offices; laboratories; satellite facilities owned or utilized by the institution for educational instruction, business, or institutional events; and public areas contiguous to any campus or facility that are regularly frequented by students, employees, or volunteers of the campus.

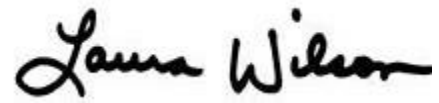
F. DEPARTMENTAL NOTIFICATION TO THE PUBLIC

1. Public and private educational institutions, day care establishments, and organizations that primarily serve individuals likely to be victimized by the offender, or persons identified as being at risk, may be notified by a deputy that a sex offender *convicted of a crime listed in Penal Code §290.4(a)(1)* lives, works or otherwise frequents an area. *Additional notifications can be made to the university campus community pursuant to Penal Code §290.01(d)(1)(A).*

Note: An area is not limited by jurisdictional boundaries, but is determined by the offender's method of operation, access and mobility.

2. *All releases and/or notifications to the public must be reviewed/approved by the Command Staff of the SUDPS. In exigent circumstances the Sheriff's Office–Stanford Liaison Captain may grant such approval. Note: Command Staff is comprised of the Director, SUDPS Captains, or SUDPS Lieutenants.*
 3. Members of the *Stanford Department of Public Safety*, with proper approval, may use virtually any means to notify the public. Dependent upon the nature and risk presented in each circumstance, notification may be accomplished through television and radio announcements, newspapers, flyers, or personal contacts.
 4. The *Stanford University Department of Public Safety* is not required to disclose the address (business or residence) of the sex offender.
 - a. Release of general information such as street name, block number or cross street can be sufficient.
 - b. Under exigent circumstances, with the approval of a *SUDPS* Command Staff member or the *Sheriff's Office–Stanford Liaison Captain*, a deputy may release an offender's exact address.
 - c. Prior to the disclosure of any address information about a serious or high risk sex offender, the *SUDPS* must send a deputy, or otherwise verify, the offender's residence or business address to confirm that the offender lives or works there.
-

5. Information identifying offenders' victims may not be released.
 6. The scope of notification shall be uniformly applied. When a member of the *SUDPS* determines that there exists a need for notification, the same type of notification shall be made in all instances where similar circumstances apply.
- G.** **RECORDS** - *If any member of the Stanford University Department of Public Safety disseminates information on any registered sex offender, the Department shall maintain a record of the means and dates of dissemination for a minimum of five years using the approved Department of Justice disclosure form. The DOJ Supervised Release File shall be utilized to supplement this record.*



LAURA WILSON
DIRECTOR