



DEPARTMENTAL  
GENERAL  
ORDER

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Megan's Law Policy  
Penal Code §290 and 290.4  
Sex Offenders, Release of Information

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**RELEASE OF INFORMATION ABOUT SEX OFFENDERS**

The purpose of this order is to set forth policy for the dissemination of information regarding serious and high-risk sex offenders under California's Megan's Law (Penal Code Sections 290 and 290.4).

**I. DEFINITIONS**

The California Department of Justice has categorized each registered sex offender as either "high risk," "serious," or "other." Disclosure under Megan's Law is allowed only for high risk and serious offenders. Authorized personnel can identify the category of an offender by accessing the Megan's Law CD-ROM, CLETS (Violent Crime Information Network/Supervised Release File) or contacting the Department of Justice directly.

**A. Categories of Registered Sex Offenders**

These categories will be employed in the CD-ROM provided by the Department of Justice and through CLETS.

**1. High Risk**

High-risk sex offenders are those who have been identified by the Department of Justice as having a high risk of re-offending and who may pose a greater danger to the public. The Department of Justice uses the criteria set forth under Penal Code Section 290(n)(1).

2. Serious Sex Offenders

A serious sex offender is a registrant whose underlying offense is either a certain felony sex offense or misdemeanor child molestation. These felony offenses include all felony sex offenses for which registration is required, with the exception of spousal rape, pornography and related offenses, and repeated indecent exposure (Penal Code Section 290.4).

B. Other Registered Sex Offenders

Other registered sex offenders are misdemeanants except misdemeanor child molesters per Penal Code Sections 647.6 and 288(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.

**II. ACCESS BY THE PUBLIC: HIGH RISK AND SERIOUS SEX OFFENDERS**

A. CD-ROM

1. As mandated by law, the Department shall make the CD-ROM or other electronic medium available for public viewing.
2. Access shall be granted in accordance with the following guidelines and procedures:
  - a. Each applicant shall provide identification in the form of a California Driver's License, California Identification Card, or other valid picture identification showing that the applicant is at least 18 years of age.
  - b. Each applicant shall sign a register, which the Records Division Identification Section will maintain, of persons applying to view the CD-ROM or other electronic medium.

- c. Each applicant for viewing shall also sign a statement provided by the Department of Justice, attesting that the applicant is not a registered sex offender, that he or she understands the purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders and that he/she understands it is unlawful to use information obtained from the CD-ROM or other electronic medium to commit a crime against any registrant or to engage in illegal discrimination or harassment of any registrant.
- d. The signed statement shall be maintained by the Records Division Identification Section for a minimum of five years.
- e. The records of persons to view the CD-ROM or other electronic medium are confidential and are not subject to disclosure pursuant to the Public Records Act. A copy of the application requesting to view the CD-ROM or other electronic medium may be disclosed to law enforcement agencies for law enforcement purposes only.
- f. Members or employees may not edit or modify information on the CD-ROM to create a "sub-set" regarding offenders for public access.
- g. Mechanical, electronic and/or photographic reproduction of information on the CD-ROM by non-law enforcement personnel is not permitted pursuant to Penal Code Section 290.4(c).

**B. Public Access Considerations**

- 1. The viewing of the CD-ROM shall occur in the Oakland Police Administration Building, Identification Section, 3rd Floor Room 313, from 0800 to 1130 and from 1300 to 1530.
- 2. Members and employees shall not give legal advice or opinions to the public or the media beyond the scope of their duties. The California Department of Justice resource brochure, "Megan's Law," is available in the Identification Section. The resource brochure explains the availability of the Megan's Law CD-ROM and information on how to contact a sexual assault investigator or the Youth Services Section for follow-up activity when appropriate.

**III. PRO-ACTIVE DISSEMINATION TO THE PUBLIC ABOUT HIGH RISK  
SEX OFFENDERS**

A. General Policy

1. Megan's Law authorizes peace officers employed by local agencies to disseminate information about high-risk sex offenders to protect the public. Release of information is governed by statute and Departmental policy. Approval by the appropriate Area Investigation Commander, Area Commander, Criminal Investigation Division Commander, Deputy Chief of Police, or Chief of Police is required before information on high-risk offenders can be publicly released.
2. Prior to disclosure of any information about a high-risk sex offender, the Department shall send an officer to verify the offender's residence or business address.
3. Information identifying the offender's victims shall not be released.

B. 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, or persons identified as at-risk, may be notified that a high risk sex offender:

1. Lives
2. Works, or
3. 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.

C. What Information Can Be Disclosed

1. The Department may, at its discretion, disclose any or all of the information permitted by Penal Code Section 290(m)(2). This information includes:
  - a. The offender's full name

- b. The offender's known alias
  - 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. The offender's address which must be verified prior to publication
  - i. Crimes resulting in registration
  - j. Description and license number of offender's vehicle 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 this section
  - n. Date of release from confinement
2. The Department shall not disclose the specific address of the offender.
- a. Release of general information such as street name, block number or cross street is sufficient.
  - b. Under exigent circumstances, the offender's exact address may be released. Exigent circumstances may include, but are not limited to the following:
    - 1) Release of information is necessary to protect individuals who reside with the offender or,

- 2) Release of information is necessary to protect individuals who are visiting the offender's residence.

D. Department Notification to the Public

1. Notification shall be accomplished through media news releases, flyers, or personal contacts. The unit coordinating the notification shall conduct the dissemination of information.
2. If the Department believes that a serious offender who is not designated as a high-risk offender on the CD-ROM is in fact high risk, the agency must notify the Department of Justice for verification of the high-risk determination.
3. When the Department disseminates information on a high-risk offender, it must maintain a record of the means and dates of dissemination for a minimum of five years on a form provided by the Department of Justice.

E. The Scope of Notification Shall be Uniformly Applied

When the Department makes pro-active notification concerning high risk offenders, the same type of notification shall be made in all instances where the same circumstances apply.

**IV. PRO-ACTIVE DISSEMINATION TO THE PUBLIC ABOUT SERIOUS SEX OFFENDERS**

- A. Officers may release information on serious offenders when he/she has reasonable suspicion based upon information that has come to his/her attention that:
  1. A person might become a victim of the serious sexual offender, and
  2. The offender is likely to encounter that person.
- B. Field officers and supervisors are required to have Megan's Law Individual Field Disclosure (TF-3096) and Megan's Law Agency or Group Disclosure (TF-3095) forms available in the event information is released.

- C. The field officer shall obtain approval from an Area Investigation Commander, Watch Commander, Area Commander, or Criminal Investigation Division Commander before disseminating information to the public.
- D. When disseminating information, the field supervisor shall ensure that the information is being provided to allow members of the public to protect themselves and their children from convicted sex offenders.
- E. The field supervisor shall ensure the proper disclosure form is:
  - 1. Completed on each occasion information is released, and
  - 2. Forwarded to the Records Division Identification Section.

By order of

Richard L. Word  
Chief of Police