

## Public Notification Working Group

### Purpose

The purpose of the Public Notification Working Group is to work in partnership with community members and leaders to improve the process by which the San Jose Police Department conducts proactive community notifications of certain registered sex offenders.

### Background

In the past, the California Department of Justice classified all sex offenders into one of four categories:

- Sexually Violent Predator ("SVP")
  - Information (name, address, description, etc.) subject to full disclosure without cause or special circumstance
- High Risk Sex Offender ("HRSO")
  - Information (name, address, description, etc.) subject to full disclosure without cause or special circumstance
- Serious Offender
  - Information subject to public disclosure **with cause** (or special circumstance)
- Other Offender
  - Information **not** subject to public disclosure (even with special circumstances)

In December 2004, the sex offender database went public on the internet. Due to recent court cases with other states putting their databases on the internet, the Department of Justice had to change how they classified and labeled sex offenders. The new classifications are:

- Full Address
  - A registrant's information, including their full address, is posted on the internet. Public disclosure can be made **with cause** (or special circumstances)
  - Include crimes such as
    - Rape
    - Felony Child Molest
    - Oral Copulation with Person Under 14 or by Force
- Zip Code Only
  - A registrant's information, including **only the zip code in which they are registered**, is posted on the internet. Public disclosure can be made **with cause** (or special circumstances)

- Includes crimes such as
  - Assault with Intent to Commit Sex Offense (with no prior/other sex convictions)
  - Entice Minor for Prostitution
  - Annoy/Molest Children (Misdemeanor)
- No Post
  - A registrant's information is not posted on the internet. Law enforcement is aware of the registrant, and still monitors his/her registration. Public disclosure can be made **with cause** (or special circumstances)
  - Includes crimes such as
    - Indecent Exposure
    - Possession of Child Pornography

Due to the law change in classification and public disclosure requirements, the police department must now have cause (or special circumstance) to conduct a public notification. Additionally, by placing sex offender information in the internet, the Department of Justice has increased the availability of offender information to the public, and in turn, decreased some of the burden on police departments to notify the public of sex offenders in their neighborhood. However, when a person warrants such community notification, if the police department can establish cause, then a notification can be conducted.

### **The Public Notification Process**

Current procedures call for officers and detectives to go door-to-door in an approximate ¼ mile radius of the offender's address. Upon contacting a resident, the officer explains the nature of the notification and leaves a flyer for the resident to review. The flyer includes the offender's picture, personal information, crime type, general type of victim, and a disclosure on the use of the information.

In the event that no one answers at a given residence, a notice is left that informs the resident that the police were there to conduct a notification. The notice provides contact information for the Megan's Law Detail, should the resident wish to inquire about the notification.

The new classifications of Zip Code Only and No Post create certain problems when conducting notifications. If a person's full address is not subject to public disclosure, that information may not be provided during a notification. Offenders in these categories have been convicted of less serious sex offenses than those in the full address category, which accounts for the limited information available to the public.

### **Public Notification Group Focus**

When the police department determines that a notification is justified, a public notification will be made to the community. The focus of this working group is to determine what steps should be taken by the police when conducting a notification. Steps taken need to balance public safety with the offender's rights, fall within allowances made by state law, and be practical given the restraints on the department's resources.