



Effective: 05/30/2000
Last Revised: 09/15/2019

**CSU FULLERTON POLICE DEPARTMENT
GENERAL ORDER NUMBER 6-14**

MEGAN'S LAW

SUBJECT: Megan's Law

PURPOSE: This directive is intended to provide guidance in the implementation of Megan's Law and registration of sexual offenders on campus pursuant to California Penal Code section 290 et. seq.

POLICY: It is the policy of CSUF Police Department to follow all requirements of Megan's Law for the safety of the campus community.

- I. Registration of Sexual Offenders--Effective October 28, 2002, Penal Code § 290.01 was expanded and requires sexual offenders to register with University Police.
 - A. Convicted sexual 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 paid employees or 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 (including paid workers as well as 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. The University Police Departments should follow the same registration procedures with sexual offender registrants as outlined by the Department of Justice. All sex offender registration information should be entered in VCIN (Violent Crimes Information Network).
 - D. Effective January 1, 2003, all colleges and universities must include in their annual Clery statistical report, a description of where sex offender information may be obtained. Compliance with this requirement can be met by adding a sentence to the Clery report such as "Public information regarding sex offenders in California may be obtained by viewing the Department of Justice On-Line Megan's Law Web Site; www.meganslaw.ca.gov

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

- A. Penal Code 290.45 states 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.
- i. (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.
 - ii. (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.
 - iii. (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 Website.
 - iv. (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 Which 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 the 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 serious sex offender is known to frequent.

III. Access by Law Enforcement for Proactive Dissemination to the Public about Sex Offenders.

The information should be obtained by university police Departments by utilizing the CLETS, Violent Crime Information Network/Supervised Release File.

- A. A peace officer must have reasonable suspicion, based on 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 campus police chief or designee before disseminating information to the public. Any disclosure must comply with the requirements of Penal Code Section 290 PC.

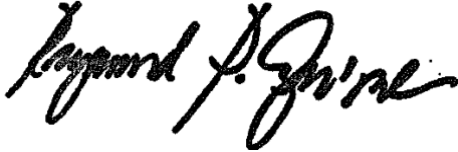
IV. Proactive Dissemination to the Public on Sex Offenders

- A. Law enforcement can disseminate information by whatever means the Department deems necessary to ensure the public safety. The information disclosed must comply with the requirements of Penal Code Sections 290.45.
- B. If a 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. The Supervised Release File may be utilized to maintain this record.
- C. Internet--Departments may not place information about sex offenders on the internet.
- D. On January 11, 2013, a federal court enjoined the Attorney General and law enforcement agencies from collecting information pertaining to e-mail addresses, internet service providers, and social networking/screen names on sex offender registration forms. These fields will not appear on the 2013 DOJ registration forms (DOJ forms 8047, 8102) which are about to be released. This injunction is in effect until the lawsuit challenging these provisions of Proposition 35, the Californians Against Sexual Exploitation (CASE) Act, is decided or until further notice. (John Doe v. Kamala Harris, Northern District of California No. C12-5713 TEH). Registering law enforcement agencies should black out these fields on the 2012 forms, and should not collect this information until further notice; A 2016 case update is under pending decision.

REVIEWED BY:

P. Launi

APPROVED:

A handwritten signature in black ink, appearing to read "Raymund J. Aguirre". The signature is written in a cursive style with a large initial 'R' and 'A'.

Raymund Aguirre
Chief of Police