



DEPARTMENT NOTICE

23-004

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Arrests of Sex Offenders (Supersedes DN 19-203)

The purpose of this Department Notice is to update members about 290 PC investigations and arrests.

A majority of sex offenders return to our community after conviction or incarceration. Sex offenders who live in San Francisco, in a residence, or as a transient, are required to register their address or transient location(s) and other information with the Identification Bureau (850 Bryant St, Room 475). This information is then managed by the SFPD Sex Offender Unit. Registration is required annually for all sex offenders (5 working days before or after the offender's birthday) and no later than every 30 days if the offender is transient. Registrants who are classified as "Sexual Violent Predators" are also required to register no later than every 90 days if they live in a residence or no later than every 30 days if they are transient.

Sex registrant information can be found in the Level II system by using the "MONSTR" or "QN" mask. The initial local JUSTIS return will show if a subject is a 290 registrant via the "Be Advised: 290 PC Reg" message. The "Sex Offender Registry Information" message in CLETS will provide more detailed information such as an offender's registered address, whether the registrant is registered as a transient, and if the registrant is classified as a Sexual Violent Predator. The registrant's next required registration date will also be listed.

Starting on 07/01/2021, if a sex offender has successfully petitioned the Superior Court or Juvenile Court in their county of residence for termination of their California sex offender registration requirements, and no longer is required to register as a sex offender, this information will be indicated in the registrant's CSAR CLETS history; see Department Notice 21-144 and Senate Bill 384 for further details.

Annual Registration:

All 290 PC registrants are required to register annually, within five working days before or after their date of birth. Subjects should be **booked** for a felony or a misdemeanor (*continuing violation: see case law citation below*) depending on the underlying offense that requires them to register. If a subject has a misdemeanor underlying offense and has a **conviction** for any 290 violation - except 290.011(a) - the subsequent arrest should be booked as a felony. If the subject has an address, this address must be in San Francisco, not in another jurisdiction.

The charge for violating the annual update of registration is 290.012(a) PC.

Transient Registration:

The charge for violating the transient requirement to register is 290.011(a) PC.

The prior penal code section for transient registration was 290(a)(1)(c) PC; this section is no longer used.

In addition to annual registration requirements, transients are required to register every 30 days. Violation of the transient registration requirement is a **misdemeanor**. Subjects who are in violation of this requirement should be booked not cited based on the continuing violation (*Wright v. Superior Court (1997) 15 Cal.4th*).

If a subject has a felony underlying offense and two 290.011(a) PC convictions, or if a subject has a misdemeanor underlying offense and three 290.011(a) PC convictions, then book as a felony. A subject can only be formally charged for the transient registration violation every 90 days.

The charge for violating the Sexual Violent Predator 90-day requirement is 290.012(b) PC.

See 290 PC for additional charging sections.

If you have any questions or make an arrest for any 290 PC charge, please contact the Sex Offender Unit by phone at (415) 553-9203. Please include the case number and the suspect information.



WILLIAM SCOTT
Chief of Police

Per DN 20-150, all sworn & non-sworn members shall electronically acknowledge this Department document in PowerDMS. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional information.