



DEPARTMENT NOTICE

19-203
10/07/19

Arrests of Sex Offenders

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. Offenders convicted of a sexual offense must register their address and other information with the Identification Bureau (850 Bryant, Room 475). This information is then managed by the SFPD Sex Offender Unit. Registration is required annually (on the offenders birthday) **and** every 30 days if the offender is transient.

Sex registrant information can be found in Level II by using the "MONSTR" mask. The initial CABLE return will show if a subject is a 290 registrant. The "Sex Offender Registry Information" message in CLETS will provide more detailed information such as an offender's registered address and the last registration date.

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 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.

See 290 PC for additional charging sections.

If you have any questions or you make an arrest for either 290.012 PC or 290.011 PC please contact the Sex Offender Unit by e-mail or phone: Chuck.Collins@sfgov.org or Edward.Carew@sfgov.org at (415) 553-9203. Please include case number and suspect information.


WILLIAM SCOTT
Chief of Police

Per DB 19-156, sworn members are required to electronically acknowledge receipt and review of this Department Bulletin in HRMS. Any questions or clarification regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional guidance about the directive.