

## Registered Offender Information

### 356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Peoria Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

### 356.2 POLICY

It is the policy of the Peoria Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

### 356.3 REGISTRATION

The Criminal Investigation Section supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the sex registration process, the investigator shall ensure that the registration information is provided to the Arizona Department of Public Safety (DPS) and the Chief of Police, if any, of the place where the person resides, within three days in accordance with (ARS § 13-3821).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register (ARS § 13-3824).

#### 356.3.1 CONTENTS OF REGISTRATION

The registration of offenders and duties of the Department shall be performed in compliance with ARS § 13-3821 and in accordance with any department procedures for registrations.

The steps to process a registrant include:

- Fingerprinting the registrant.
- Photographing the registrant.
- Registrant must sign or affix his/her electronic fingerprint to a statement containing information required by DPS, including (ARS § 13-3821):
  - All names by which the person is known.
  - Any required online identifier and the name of any website or Internet communication service where the identifier is being used.
  - The physical location of the person's residence and the person's address, including a post office box number and location, if used.

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- If the address and physical location are not the same, the registrant shall also provide the name of the owner of the residence if the residence is privately owned and not offered for rent or lease.
- If the person does not have an address or a permanent residence or has more than one residence, the registrant shall provide a description and physical location of any temporary residence and shall register as a transient not less than every 90 days with the Sheriff in whose jurisdiction he/she is physically present.
- If the registrant has been convicted of an offense in another jurisdiction that would require registration if committed in this state, the registrant is required to provide a sufficient sample of blood or other bodily substance for DNA testing (ARS § 13-3821).
- Within three days of registration, the employee processing the registrant will ensure that copies of the statement, fingerprints and photographs are sent to DPS and the appropriate Chief of Police if the person resides within the jurisdiction of a local police department. If a blood sample has been obtained, the blood sample will also be transferred to DPS.

Processing a change in registration requires the following steps be taken within three days of a change in registration, excluding weekends and holidays.

- For a change of name or residence:
  - Forward the change to the Arizona DPS and the appropriate law enforcement agency for the jurisdiction from which the registrant has moved (ARS § 13-3822).
  - Forward a copy of the statement, fingerprints and photograph of the registrant to the local law enforcement agency in whose jurisdiction the registrant now resides.
  - If the registrant is subject to community notification requirements, notify the local law enforcement agency of the county where the registrant now resides (ARS § 13-3822).
- For a change of online identifier, forward the new identifier to the Arizona DPS (ARS § 13-3822).

#### **356.4 RISK ASSESSMENT**

The Criminal Investigation Section supervisor shall categorize each registered sex offender into an appropriate notification level (I, II or III) based on a risk assessment of the registrant (ARS 13-3825). The supervisor shall submit a report through the chain of command to the Chief of Police or the authorized designee that includes a synopsis of the risk assessment. The Chief of Police or the authorized designee shall make the final determination regarding an offender's risk level and may choose a different level than the one recommended.

- (a) The following steps shall be taken when determining the notification level of a registrant:
1. Review items such as the sex offender registration form, parole and corrections materials, the risk assessment completed by the agency that had custody or responsibility for supervising the person, and Arizona Criminal Justice Information System (ACJIS) information.
  2. Interview the offender.
  3. Assemble and review any other relevant resources or reports.

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The Criminal Investigation Section supervisor shall ensure that the registrant is notified, either in person or in writing, of his/her notification level.

#### **356.5 MONITORING OF REGISTERED OFFENDERS**

The Criminal Investigation Section supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on the Arizona DPS website.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the Arizona DPS.

The Criminal Investigation Section supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Peoria Police Department personnel, including timely updates regarding new or relocated registrants.

#### **356.6 COMMUNITY NOTIFICATIONS**

The State of Arizona has established the Community Notifications Guidelines Committee, which is responsible for the adoption and oversight of guidelines for processing registrants and when making notifications regarding the presence of registrants in the community (ARS § 13-3826(E)). The Department shall disseminate sex offender information in accordance with these guidelines (ARS § 13-3825).

- (a) Community notification of Level II and Level III registrants shall be made to the surrounding neighborhood, area schools, appropriate community groups and prospective employers within 45 days and shall include (ARS § 13-3825):
  1. A flyer containing the offender's photograph and address.
  2. A summary of the offender's status and criminal background.
- (b) Campus notification and notification to the administration of an institution of post-secondary education shall be made that an individual required to register as a sex offender is enrolled as a student or is employed or carries on a vocation within the institution (ARS § 13-3825(G)).

A press release with the above information should be sent to the local media for registrants categorized as Level II or Level III offenders.

Employees will not unilaterally make community notification regarding a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police, if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to the Arizona DPS website or the Arizona Sex Offender Compliance Team.

The Records Supervisor shall release local registered offender information to residents in accordance with ARS § 13-3825 and in compliance with Arizona public records law request (ARS Title 39, Ch. 1, Articles 1 and 2).

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#### **356.6.1 RELEASE NOTIFICATION**

Registrant information that is released should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

#### **356.6.2 DISCRETIONARY DISSEMINATION**

Level I offender information shall be maintained by this department. The Chief of Police may authorize dissemination to (ARS § 13-3826):

- (a) Other law enforcement agencies.
- (b) People with whom the offender resides.

The Chief of Police may authorize any updated information obtained from DPS to be disseminated to any other persons or entities that the Chief of Police determines warrant such notification (ARS § 13-3823).

The Chief of Police may also authorize community notification of any information regarding circumstances or persons who pose a danger to the community, even if that notification is not specifically listed in the guidelines or in ARS § 13-3825.