



**DEPARTMENT OF  
POLICE**

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August 18, 2004

City Council  
Sacramento, California

Honorable Members in Session

**SUBJECT: POSTING OF CURRENT INFORMATION REGARDING CERTAIN  
KNOWN REGISTERED SEX OFFENDERS ON THE SACRAMENTO  
POLICE DEPARTMENT'S WEBSITE.**

**LOCATION AND COUNCIL DISTRICT:** Citywide, All Council Districts

**STAFF RECOMMENDATION:**

To adopt a resolution authorizing the Chief of Police to post current information regarding certain known registered sex offenders residing in the City of Sacramento on the Police Department's Website.

**CONTACT PERSONS:** Albert Nájera, Chief of Police, 433-0800  
Captain Brian Louie, 808-2292

**FOR COUNCIL MEETING OF: August 31, 2004**

**SUMMARY:**

In an effort to allow people in the City of Sacramento to protect themselves and their children from known registered sex offenders, the Sacramento Police Department is considering posting information regarding these criminals on its Website. The Sacramento Police Department would like to provide the public with as much information regarding known registered sex offenders as is legally permissible.

*The mission of the Sacramento Police Department is to work in partnership with the Community to protect life and property; solve neighborhood problems, and enhance the quality of life in our City.*

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This report provides detail about what information the Sacramento Police Department would include on its Website and recommends that the City Council adopt a resolution authorizing the Chief of Police to proceed with posting this information on the Sacramento Police Department's Website.

**COMMITTEE/COMMISSION ACTION:**

None

**BACKGROUND:**

Since 1947, California has required adult convicted sex offenders to register with the local law enforcement agencies in the communities in which they reside. Since then, several updated registration requirements have been implemented, including the addition in 1986 of the requirement that minors convicted of specified sex offenses register with local law enforcement. In 1996, California's Megan's Law was established to allow, and in some instances require, law enforcement agencies to provide information regarding potentially dangerous sex offenders to the public. Megan's Law establishes three classifications of sex offenders: high-risk, serious, and "other." Only information concerning high-risk and serious offenders is subject to public disclosure under Megan's Law.

In compliance with Megan's Law, the Sacramento Police Department currently makes the following information concerning registered serious and high-risk sex offenders available to the public at each of the City's three police facilities via the Megan's Law database: name, known aliases, photograph, physical description, gender, race, date of birth, and registerable sex offenses. Megan's Law prohibits the disclosure of a registered sex offender's address or other criminal history information via the Megan's Law database. However, Megan's Law does authorize a law enforcement agency to disclose more detailed information concerning a high-risk sex offender, including, but not limited to, a high-risk sex offender's street address, when the law enforcement agency is advising the public of the presence of the high-risk offender in its community.

Numerous law enforcement agencies throughout California provide varying degrees of information concerning registered sex offenders residing within their jurisdictions on their Websites. Most commonly, these agencies include a pin map that discloses the general vicinity of the residences of serious and high-risk registered sex offenders, usually within a block of an offender's address, but without identifying the offender by name or disclosing any other personal identifying information. In a recent decision, California's First District Court of Appeal upheld the City of Fremont's use of a serious and high-risk sex offender Internet pin map against claims that it violated Megan's Law and a serious offender's constitutional right of privacy. A limited number of law enforcement agencies, including the Stockton Police Department, the San Jose

Police Department, and the Merced County District Attorney's Office have gone as far as including photographs and the street addresses of high risk offenders on their Websites.

There are approximately 1,400 registered sex offenders in the City of Sacramento, of which, 18 are classified as "high risk" to the community. With City Council's approval, the Sacramento Police Department would, within the limits prescribed by Megan's Law, expand the information that is currently made available to the public by posting more detailed information regarding high risk convicted sex offenders on the Department's Website. The purpose is to provide information that would alert residents with children of the presence of convicted sex offenders residing in their neighborhoods. The information also would allow residents to make informed decisions regarding personal and family safety. To help ensure that the registered sex offender information is not used for improper purposes, the Website would include an admonition that any person who uses information obtained through this website to commit a crime shall be subject to sentence enhancements.

What follows is a description of the information that Megan's Law allows to be disseminated to the public and what the Sacramento Police Department would include on its Website:

- **High-Risk Sex Offenders**

- 1. What Information May Be Disclosed**

Under Megan's Law, the SPD is permitted to notify the public of the presence of high-risk offenders in the community by whatever means it deems necessary to ensure public safety (Penal Code §290.45 (b).) The SPD may provide the high-risk offender's name, photograph, and verified address, among other information.

- 2. What SPD Intends To Display On Its Website**

The SPD intends to post identifying information on all high-risk offenders residing in the City of Sacramento. This information includes the offender's name, personal identifying information, photograph, and verified address. Additionally, the SPD will post a pin map showing the general vicinity of the residences of known high-risk offenders.

- **Serious Offenders**

- 1. What Information May Be Disclosed**

The SPD may not disclose the name, address or any of the other information specified in Penal Code section §290.45(a)(4) regarding serious sex offenders to the public unless a SPD officer reasonably suspects that a child or other member of the public is at risk from the offender.

## **2. What SPD Intends to Display on Its Website**

The SPD **does not** intend to post identifying personal information on serious sex offenders. SPD **will** post a pin map showing the general vicinity of the residences of known serious offenders.

- **Other Offenders**

### **1. What Information May Be Disclosed**

The SPD may **not** post the name, address or any of the other information that would tend to disclose the identity of “other” known registered sex offenders on its Website under any circumstances (see Penal Code §§290(i), 290.4, 290.45).

### **2. What SPD intends to Display on It’s Website**

The SPD **does not** intend to post any information regarding “other offenders.”

Staff recommends that the City Council approve the above-outlined recommendations concerning posting information regarding certain known registered sex offenders on the Sacramento Police Department’s Website.

#### **FINANCIAL CONSIDERATIONS:**

None

#### **ENVIRONMENTAL CONSIDERATIONS:**

This activity does not constitute a “project” and is therefore exempt from the California Environmental Quality Act (CEQA), CEQA Guidelines Sections 15061(b) and 15378(b)(3).

#### **POLICY CONSIDERATIONS:**

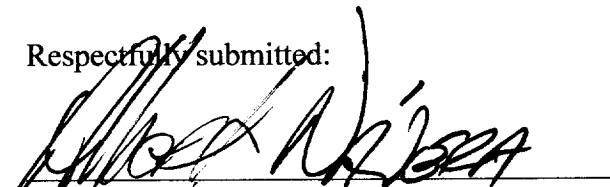
The efforts of the Sacramento Police Department to address known sex offenders are consistent with City Council’s mission to enhance the quality of life for City residents.

#### **ESBD CONSIDERATIONS:**

Goods and services purchased will be in accordance with the Emerging and Small Business Development program requirements.

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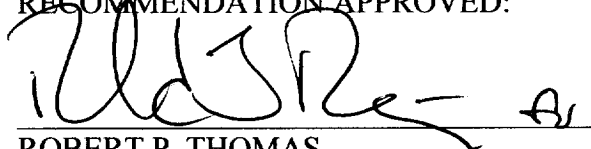
Respectfully submitted:



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ALBERT NAJERA  
Chief of Police

RECOMMENDATION APPROVED:



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ROBERT P. THOMAS  
City Manager

AN/dls  
REF: COP 07-21

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# RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CHIEF OF  
POLICE TO POST CURRENT INFORMATION  
REGARDING CERTAIN KNOWN REGISTERED  
SEX OFFENDERS ON THE POLICE  
DEPARTMENT'S WEBSITE**

## **BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

That the Chief of Police is hereby authorized to post information regarding registered sex offenders on the Sacramento Police Department's Website, as described in the August 19, 2004, staff report for this item.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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### **FOR CITY CLERK USE ONLY**

RESOLUTION NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_