



FLAGLER COUNTY SHERIFF'S OFFICE

GENERAL ORDER

Effective Date: January 3, 2017	<input type="checkbox"/> New <input type="checkbox"/> Rescinds: <input checked="" type="checkbox"/> Amends: GO # 303 dated 05/02/14	Number: 303
Subject: Sexual Predator/Offender/Career Offender Registration and Notification		
Distribution: All Employees	CFA Standards: <u>15.16</u> 28.05M and <u>15.17</u> 28.06M FLA-TAC Standards: FCAC Standards:	

- I. **Scope and Purpose:** The purpose of this General Order (GO) is to establish procedures to be followed when a sexual predator, sexual offender or career offender comes to the Flagler County Sheriff's Office (FCSO) to register. In addition, the purpose of this GO is to establish procedures for employees or law enforcement employees of the FCSO to document contact with known sexual predators, sexual offenders and career offenders. This GO applies to all employees of the Sheriff's Office. [CFA 15.16 ~~28.05M~~]

- II. **Discussion:** It is incumbent upon the FCSO to strictly adhere to current Florida Statutes relative to sexual predators, sexual offenders and career offenders. The FCSO shall ensure public notification is made in accordance with all applicable Florida Statutes regarding sexual predators and sexual offenders residing in Flagler County.

- III. **Policy:** It shall be the policy of the FCSO to establish and maintain a clearly defined procedure to ensure compliance with all laws relative to the registration of sexual predators, sexual offenders and career offenders.

- IV. **Forms:**
 - Sexual Offender/Predator Address Verification Statement Form #INVS-069.
 - FDLE Registration Eligibility Report:
 - FDLE Sexual/Predator Registration Form (Accessible on the CJNet under FORTS and forms)
 - News Release Template. FCSO Form # PIO-001

- V. **Definitions/Legal:**
 - A. Sexual Predator - The "Once is Enough" sexual predator: Any person who has been convicted or is found to have committed, regardless of adjudication, or who pleads nolo contendere or guilty to any of the following offenses on or after October 1, 1993: Any capital, life, or first (1st)-degree felony where the victim is a minor and

- defendant is not the victim's parent; Kidnapping of a Child Under the Age of 13; False Imprisonment of a Child Under the Age of 13; Sexual Battery (or a similar law of another jurisdiction); Any violation of Section 847.0145, F.S. (or a similar law of another jurisdiction).
- B. Sexual Offender - A person who has been convicted of committing, or attempting, soliciting, or conspiring to commit any of the criminal offenses prescribed in Sections 787.025, 794, 796.03, 800.04, 827.071, 847.0133, 847.0135, 847.145, F.S., or any similar offense committed in this state.
 - C. High Risk Sex Offender (HRSO) – A term used by the Department of Corrections when referring to individuals who meet the statutory requirements for HRSO designation. A HRSO may or may not be required to register as a sexual offender or predator.
 - D. Career Offender – Any person who is designated as a habitual violent felony offender, a violent career criminal, a three (3)-time violent felony offender or a prison release/reoffender. Individuals who have been designated by a court as a habitual violent felony offender, a violent career criminal, or a three time violent felony offender under FS 775.084, or as a prison release re-offender under FS 775.082(9) and who are serving or have been released from sanction in the State of Florida on or after July 1, 2002. Career Offender criteria Florida Statutes sections 775.26, 775.261, 944.608, 944.609.
 - E. Permanent Residence - A place where the person abides, lodges or resides for five (5) or more consecutive days.
 - F. Temporary Address - A place where the person abides, lodges or resides for a period of five (5) days or more in the aggregate during any calendar year and which is not the person's permanent residence; for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation or is enrolled as a student for any period of time in this state; or a place where the person routinely abides, lodges or resides for a period of four (4) or more consecutive days in any month and which is not the person's permanent residence, including any out-of-state address. FS 775.21(2)(g).
 - G. Transient/Homeless Address – A place or county where a person lives, remains, or is located for a period of five (5) days or more in the aggregate during a calendar year and which is not either the person's permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.
 - H. Florida Sexual Predators Act: Florida Statute 775.21 requires the Florida Department of Law Enforcement (F.D.L.E.) to register and maintain a computer database of all persons who commit certain sex offense violations after October 1, 1993, who fit the statutory definition of a Sexual Predator. This Act further requires local law enforcement to verify the address of the Sexual Predator and notify the community of the Sexual Predator's presence.
 - I. Jessica Lunsford Act: In 2005, House Bill 1877 (The Jessica Lunsford Act) amended the Florida Sexual Predators Act and Florida Statute 943.0435. This Act requires Sexual Predators and Sexual Offenders to register with the Sheriff's Office of their county of residence within 48 hours of moving to the county from out of state or within 48 hours of being released from prison or supervision. It further requires that

each Sexual Predator and Sexual Offender reregister quarterly or bi-annually (as determined by FDLE) with the Sheriff's Office.

- J. Adam Walsh Act: In 2006, HR4472 (The Adam Walsh Act) was enacted to protect the public, in particular children, from violent sex offenders via a more comprehensive, nationalized system for registration of sex offenders. The act states that the Attorney General will issue guidelines and regulations in interpretation and implementation of the legislation. The act calls for state conformity to various aspects of sex offender registration, including information that must be collected, duration of registration requirement for classifications of offenders, verification of registry information, access to and sharing of information, and penalties for failure to register as required.

VI. Procedure:

- A. Sexual Predator or Sexual Offender Registration and/or re-registration Process [CFA 15.16 28:05M and 15.17 28:06M]

1. Non-Custodial Registration - A non-custodial sexual predator or sexual offender must register or re-register at the FCSO Detention Services Division (FCSO DSD) during posted registration days and times. Assigned personnel at the FCSO's DSD will follow the procedures listed below:
 - a. Positively identify the person from a valid form of identification.
 - b. The registrant shall be scanned using the fingerprint scanner to ensure the registrant is actually who they claim they are.
 - c. Complete the FDLE Sexual Predator/Offender Registration form electronically in FDLE's Florida Offender Registration and Tracking Services (FORTS) database.
 - d. Take color digital photographs for initial registrations and for re-registrations utilizing the camera that is linked to the FORTS database. The backdrop can be blue, white or natural setting. The purpose is to catch as much of the offenders face as possible.
 - e. Fingerprint the person for initial registrations, newly-convicted offenders, newly-released offenders or offenders who have recently moved to Flagler County.
 - i. The fingerprints will be taken electronically and will be printed on a red fingerprint card.
 - ii. Personal identifying and charge information will be completed manually on the card.
 - iii. The completed card will be mailed to FDLE.
 - f. After completing the online registration form signatures are captured utilizing the digital signature pad. The form is then submitted and a printed copy is given to the registrant and a right thumbprint is captured in ink on the original copy that is kept for agency record.

- g. The registration is now complete and must be submitted in the FORTS database which will timestamp completion of the registration.
- h. The requirements for registration and re-registration will be reviewed with the offender.

2. Custodial Registration:

- a. Upon intake a registration must be completed to indicate the offender is in custody of the FCSO's DSD.
- b. The steps outlined above will be followed for custodial registrations. They will be handled by booking personnel at the DSD.
- c. Upon release an additional registration is required to indicate release from the FCSO's DSD and to show any changes to the subject's demographics.

B. FCSO Sexual Predator Verification Process:

- 1. An activity report shall be completed once a year for offenders and twice a year for predators. The completed reports will be verified through the FORTS system.
- 2. The DSD Classification personnel will print a monthly report on the last business day of the month from FDLE's FORTS database of all the Sex predators/offenders who are required to register for the month minus the sex predator/offenders who did register during the required month. The report is scanned into the FCSO's RMS by the DSD personnel for future reference.
- 3. Process:
 - a. The monthly report generated above will be forwarded to the Neighborhood Services Division (NSD) Special Operations Commander or designee for assignments to NSD deputies who can complete the required checks.
 - b. The assigned deputy shall either self-dispatch themselves on a Signal 34 (C) "Other" or have Communications place them on a Signal 34 (C) "Other."
 - c. Before clearing the call, the deputy will note or have noted in the CAD call that the Sexual Offender/Predator Address Verification Statement form was or was not completed. If not completed comments shall be added to the call explaining the reason(s).
 - d. The Deputy shall complete the Sexual Offender/Predator Address Verification Statement form and forward to the DSD's classification personnel where it will be entered into the FORTS system.
 - e. If a predator/offender has absconded the form shall be immediately forwarded to ISD follow-up.

C. FCSO Sexual Offender/Predator Notification Process:

1. Sexual Predators - According to FS 775.21(7)(a), the Sheriff must notify the community when a predator is released into the community. Although the statute does not outline a specified manner in which to make notifications it will be the policy of the FCSO to complete the following:
 - a. Investigative Services Division: (ISD)
 - i. The ISD's Major Case/Person's Crime supervisor will verify that the sexual predator information provided either from the FCSO Detention Services Division (DSD) or the Florida Department of Law Enforcement is correct and appropriate for release. This information will be verified by calling the Florida Department of Law Enforcement's Sexual Offender/Predator Unit at 1-888-357-7332 or checking the Florida Department of Law Enforcement's sexual predator/offender web site.
 - ii. The ISD's Major Case/Person's Crime supervisor will assign a detective to ensure the address that is listed for the predator has been verified as being the residence of the predator within 48 hours.
 - b. Communications Center:
 - i. The Communications Center supervisor will obtain from the Department of Children and Families (DCF) a current list of the addresses of licensed day care centers prior to every mandated notification and use with our automated callback phone system (CODE RED). The listing can be obtained by the following:
 - (A.) Call (386)-238-4910.
 - (B.) Visiting DCF's user friendly search engine located at <http://dcfsanswrite.state.fl.us/Childcare/provider/ProviderSearch.aspx>.
 - c. Public Information Unit: [CFA 15.16 ~~28-05M~~]
 - i. Public Information Unit will notify local news media when a sexual predator makes notification of his/her temporary or permanent residency in Flagler County using a Media Release which will, at a minimum, contain the sexual predator's name, photograph, DOB, description, criminal history, circumstance of the offense, penalty received and current or proposed address.
 - ii. Per FS 775.21 (7) (a), the Sheriff is mandated to notify every licensed and active day care center, elementary school, middle school and high school within Flagler County at the time of occurrence.
 - iii. The FCSO will also strive to notify all residents within a one-mile radius of the temporary or permanent address of a sexual predator. The Public Information Office will notify the required facilities, the

ISD's School Resource Deputies and the administration of the Flagler County School Board with a copy of the Florida Department of Law Enforcement's sexual predator web page printout and completed FCSO Media Release.

- iv. The FCSO News Release will be posted to the FCSO web site.
- v. Public Information will contact the Dispatch Center and request a notification to the recipients of the criteria stated in VI.C.1.b.i.

2. Sexual Offenders - According to FS 775.21 the Sheriff is authorized, but not mandated, to notify the community of the temporary or permanent residence of a sexual offender.

D. Career Offender Registration:

1. Career offender registration is completed at DSD by classification personnel using a three-part form provided by the Florida Department of Law Enforcement's (FDLE) Career Offender Unit (COU). The completed form is disseminated as follows:
 - a. The completed white copy is mailed or emailed to FDLE's COU at Post Office Box 1489 Tallahassee, Florida 32302-1489. It can also be scanned and emailed to FDLE's COU at careeroffender@fdle.state.fl.us.
 - b. The yellow copy remains at the agency.
 - c. The pink copy is provided to the offender.
2. Career offenders are only required to register once unless they return to DOC sanctions. Once they are released from those sanctions they are required to re-register.
3. Florida Statutes do not mandate public notification of Career Offenders.
4. The FDLE COU can be reached at 850-410-8780.
5. Access to the FDLE's COU or FORTS data base can be obtained by completing the required forms located on the CJNet and forwarding them to FDLE.

E. Other Community Notification Resources:

1. The FCSO's web site provides access to the public for the purpose of reviewing various computer sites which list information on sexual predators/offenders or any incarcerated inmate in the Florida Department of Corrections or any federal prison system.

F. Sheltering:

1. Flagler County Ordinance Article 8, Section 20-378, subparagraph (9), allows for sexual predators or sexual offenders to seek refuge at open shelters during times of impending natural disasters or acts of terrorism.

- a. The FCSO shall follow the housing plan adopted by the Flagler County Board of County Commissioners for the housing of sexual offenders and predators.

Rick Staly
Sheriff