

WINTER HAVEN POLICE DEPARTMENT

GENERAL ORDER 42.2

Registration of Sexual Predators/Offenders

ACCREDITATION STANDARDS: CFA – 15.16, 15.17

EFFECTIVE DATE: May 17, 2001

RESCINDS: G.O. 42.2 February 19, 2013, and all applicable Amended/Temporary Orders prior to January 5, 2018

LAST REVISED DATE: January 5, 2018

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POLICY

It shall be the policy of the Winter Haven Police Department to establish and maintain a clearly defined procedure to ensure compliance with all laws relative to the registration of sexual predators and selected sex offenders, and the documentation of post registration contact by Department members.

PURPOSE

The purpose of this General Order is to provide proper protocol for Sexual Predator/Offender registration and community notification.

DISCUSSION

It shall be the policy of the Winter Haven Police Department to strictly adhere to the Florida State Statutes relative to sexual predators and sexual offenders. The Department shall ensure public notification is made in accordance with all applicable Florida State Statutes regarding sexual predators and offenders.

PROCEDURE

I. RESPONSIBILITIES

- A. Florida Department of Law Enforcement (FDLE)

1. FDLE must notify the Sheriff and Chief of Police of the community in which a predator resides upon the predator's registration as a sexual predator. This notification is accomplished by FCIC administrative messages.
2. FDLE maintains on-line current information regarding each registered sexual predator (www.fdle.state.fl.us) and operates a sexual predator hotline access (1-888-357-7332) that can be utilized by law enforcement agencies to obtain information for purposes of monitoring, tracking, and prosecution. FDLE also maintains a current listing of sexual predators on its internet website.
3. FDLE will provide the effected law enforcement agencies with a camera ready flyer that will include a photograph of the sexual predator and a general statement of the crime(s). A copy of the modus operandi (MO) data will also be included; however, it is for criminal justice use only.
4. FDLE will notify the Sheriff and Chief of Police of the community in which a sexual offender resides. This notification will be accomplished by FCIC administrative messages.

B. Winter Haven Police Department

1. Upon notification of a sexual predator or offender who will establish either a permanent or temporary residence in the city limits of Winter Haven, the Chief of Police or their designee shall notify the community of the presence of the predator offender in a manner deemed appropriate by the Chief of Police or their designee. Notification of the community for sexual predators is mandatory and is optional for sexual offenders.
2. Within 48 hours after received notification of the presence of a sexual predator, the Chief of Police or their designee shall notify each licensed day care center, elementary school, middle school, and high school within a one mile radius of the temporary or permanent residence of the sexual predator.
3. Information provided to the community regarding a sexual predator must include:
 - a. The name of the sexual predator.
 - b. A description of the sexual predator.
 - c. The predator's photograph.
 - d. The sexual predator's current address, including the name of the county and municipality if known.
 - e. The circumstances of the sexual predator's offense(s).
 - f. Whether the victim of the sexual predators offense(s) a minor or an adult.

Note: This does not authorize the release of the name of any victim of the sexual predator.

4. The Department's Intelligence Detective shall be responsible for gathering, verifying and preparing the necessary sexual predator/offender information for dissemination. The Intelligence Detective may utilize the Department's Crime Analyst for these duties.

5. Since notification of release of predators/offenders is sent to every law enforcement agency in the county the predator/offender will reside, it is the responsibility of the Intelligence Detective to contact these agencies to avoid duplication of effort or lack of action due to miscommunication of agency responsibilities.

C. Registration (CFA 15.16, 15.17)

1. Sexual predators/offenders that contact any member of the Winter Haven Police Department to register per state law shall be directed by the member to contact either FDLE or the Polk County Sheriff Office for registration. The predator/offender shall be told that reporting to the Winter Haven Police Department does not satisfy the requirement of the registration law and the member shall give the predator/offender specific directions to either facility. Members shall:
 - a. Obtain the predator/offender's name, date of birth, address, and telephone number.
 - b. Complete an information report on the contact and attempt to register by the predator/offender.

D. Contact with Sexual Offender or Sexual Predator

1. Any officer coming in contact with a sexual predator or sexual offender shall complete an Information Report or Field Intelligence Report.
2. Statutes require that law enforcement notify the probation or parole officer when investigating or arresting a person for a sex offense if that person is under corrections supervision. Members shall contact the appropriate probation or parole officer to ascertain the status of the individual.
3. Any officer who comes into contact with a sexual predator/offender from another state, who might meet the requirements of sexual predator/offender for the state of Florida, should contact a detective with the information. The detective will compile the information and forward it to FDLE and the State Attorney. The State Attorney should forward the verification to the court to obtain sexual predator/offender status in writing.
4. Any officer who comes into contact with a sexual predator/offender who has moved shall:
 - a. Contact communications to teletype a message to DHSMV/FDLE to verify if the sexual predator/offender registered the new address.
 - b. If the sexual predator/offender did not register the new address with DHSMV, notify a detective immediately.
 - c. Unless an immediate arrest can be affected, a detective shall complete an affidavit for Failure of Sexual Predator/Offender to Notify of Change of Residence within 48 Hours (third degree felony).

5. If a sexual predator is found to be working or volunteering in a position around children, notify a detective immediately who will affect an arrest or obtain a warrant for Working/Volunteering around Children (third degree felony).
6. All sworn members shall maintain knowledge of current residences, workplace circumstances, criminal histories, and M.O.'s of sexual predators/offenders by:
 - a. Field contacts
 - b. Surveillance
 - c. Sweeps as a means of verifying residence and workplace addresses.

II. Community Notifications (CFA 15.16)

- A. Community notification is mandatory whenever a sexual predator establishes or maintains a permanent or temporary residence in the city limits of Winter Haven. In addition, each licensed day care, elementary school, middle school, and high school in a one mile radius of the sexual predator's permanent or temporary residence shall be notified of the sexual predator's presence within 48 hours of the Department receiving notification of the sexual predator.
- B. The following units will compile information on Sexual Predators necessary to distribute for notification:
 1. Records
 2. Detectives
 3. Public Information Officer
 4. Patrol Division
 5. Crime Analyst
 6. Patrol Division
 7. Others as may be delegated by the Chief of Police
- C. All available records/information on each sexual predator will be evaluated by the Investigative Services Bureau Lieutenant before community notification starts. This evaluation shall include a notification plan that includes:
 1. A detective assigned to provide information to the public information officer and/or crime analyst for distribution through various outlets
 2. The notification shall include contact information for the assigned detective to include their name and contact phone number (direct line). This will allow the community to ask questions specific to this sexual predator notification.
 3. The notification may include prevention tips and information sites for citizens (i.e. websites, phone numbers, laws).
- D. All community notifications of sexual predators or sexual offenders shall require the prior approval of the Chief of Police or their designee.

III. Methods of Community Notification

- A. Means of notification may include, but is not limited to:

1. Press release/conferences
2. Advertisements
3. Public service spots/access channels
4. Broadcast on radio and television
5. Movie theater pre-feature/audio/visual presentations
6. Community, business, school group meetings
7. Door to door notification
8. Posting of flyers
9. School systems (public and private)
10. Advocacy/support organizations
11. Youth organizations, including athletic leagues
12. Churches
13. Automated broadcast and manual facsimile
14. Child care facilities
15. Mall and other security offices
16. Parks and recreation agencies
17. Children and family services.

IV. Sexual Predator and Offender Monitoring

- A.** Every quarter, members of the Patrol Division shall contact all registered sexual predators/offenders that reside in the city limits of Winter Haven. Quarters run as follows:
1. First Quarter: January to March
 2. Second Quarter: April to June
 3. Third Quarter: July to September
 4. Fourth Quarter: October to December
- B.** A book that lists all registered sexual predators/offenders shall be located in the briefing room of the Uniform Services Bureau. This book shall list the sexual predator/offender's name, birth date, address and photograph. Sexual predator/offenders shall be categorized by sector. Sexual predators shall be identified by the word "PREDATOR" in red by their information.
- C.** Patrol shift supervisors shall be responsible for assigning the monitoring of sexual predator/offenders. Supervisors shall assign predator/offenders in a sector to the member assigned to that sector. Any sexual predators/offenders that are not located by that member, in that sector, shall be turned into their supervisor which in turn shall be forwarded to the on-coming shift supervisor.
- D.** When a member makes contact with a sexual predator/offender they shall:
1. Ask for the predator/offender's identification
 2. Complete a Winter Haven Police Department Sexual Predator/Offender Monitoring Form (WHPD-359)
 3. Turn the Sexual Predator/Offender Monitoring form into their supervisor.
- E.** If a member finds that a sexual predator/offender has moved or is in violation of their conditions (i.e. living near a school/day care) the member shall:

1. Obtain as much information about the predator/offender's new address (if moved)
2. Attempt to make contact with the predator/offender at the new address to verify they are living at that address
3. Complete a report documenting the violation of the predator/offender
4. Turn the report into their supervisor.

F. Supervisor Responsibilities


1. Supervisors shall forward all Sexual Predator/Offender Monitoring Forms to the Captain of Investigative Services.
2. If a member has completed a report on a violation of a sexual predator/offender, the supervisor shall forward a copy of the report to investigations. Criminal Investigations shall be responsible for following up on any violations.
3. The Investigative Services Captain shall complete a quarterly report documenting all contacts, attempted contacts, and any investigations/violations. This report shall be forwarded to the Chief of Police for review.

- G.** There are no limitations in the law regarding monitoring of sexual predator/offenders of how many times a sexual predator/offender may be contacted in any given time period.

V. Definitions

- A.** *Community* – Means any county where the sexual predator/offender lives or otherwise establishes temporary or permanent residence.
- B.** *Permanent Residence* – A place where a person abides, lodges, or resides for a period of 14 or more consecutive days.
- C.** *Sexual Offender* – to Any person convicted of committing, attempting conspiring or soliciting to commit any of the following violations or any offense committed in this state which has been re-designated from a former statute number, or analogous offense in another jurisdiction, and who is released on or after October 1, 1997, from the sanction imposed by reason of conviction of his or her sexual offender offense:
1. F.S.S 787.025, Luring or enticing a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose.
 2. Any Chapter 794 offense.
 3. F.S.S. 796.03, Procuring a person under the age of 18 for prostitution.
 4. F.S.S. 800.04, Lewd, lascivious, or indent assault or act upon or in the presence of a child under the age of 16.
 5. F.S.S. 827.071, Sexual performance of child of less than 18 years of age.
 6. F.S.S. 847.0133, Distribution of obscene materials to a minor under the age of 18.

7. F.S.S. 847.0135, Computer pornography involving a minor.
 8. F.S.S. 847.0145, Selling or buying of minors for sexually explicit conduct.
- D.** *Sexual Predator* – to Any person who has been convicted or is found to have committed, regardless of jurisdiction, or who pleads nolo contendere or guilty to any of the following offenses which occurred after October 1, 1993, and for whom the court has made a written finding of sexual predator status:
1. Any capital, life, or first degree felony violation of Chapter 794, sexual battery, or of a similar law of another jurisdiction.
 2. Any violation of F.S.S. 847.0145, or similar law of another jurisdiction.
 3. A capital, life, or first degree felony violation of F.S.S. 787.01 or 787.02 (kidnapping of a child under 13 and false imprisonment of a child under 13) where the victim is a minor and the defendant is not the victim's parent.
 4. Any attempt to commit a capital, life, or first degree felony violation of Chapter 794, where the victim is a minor or a violation of a similar law of another jurisdiction.
 5. Any second degree or greater felony violation of F.S.S. 787.01 or 787.02 where the victim is a minor and the defendant is not the victim's parent.
 6. Any second degree or greater felony violation of F.S.S. 796.03, procuring a person under the age of 18 for prostitution.
 7. Any second degree or greater felony violation of F.S.S. 825.1025 (2) (b), lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.
 8. Or a violation of a similar law from another jurisdiction.
- E.** *Temporary Residence* – A place where the person abides, lodges, or resides for a period of 14 or more days, in the aggregate, during any calendar year and which is not the person's permanent address; 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 a 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 or non-consecutive days in any month and which is not the person's permanent residence.

APPROVED 

Charles E. Bird
CHIEF OF POLICE