



REGISTERED SEXUAL OFFENDER ENTRY ONTO SCHOOL OR DAY CARE PROPERTY

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I. BACKGROUND

The Annotated Code of Maryland, Criminal Procedure Article, Title 11, Subtitle 722 generally prohibits registered sexual offenders from knowingly entering onto real property that is used for public or nonpublic elementary or secondary education; or real property where there is located a family day care home, child care home, or child care institution registered or licensed under Title 5, Subtitle 5 of the Family Law Article.

This section of the law does not apply to a Registered Sexual Offender who is a student or if the Registered Sexual Offender's child is a student or receives child care, if: 1) Within the last year the registrant has been given specific written permission of the Superintendent of Schools, the local school board, the principal of the school, or the owner or operator of the registered family day care home, licensed child care home, or licensed child care institution, as applicable; and the registrant promptly notifies an agent or employee of the school, home, or institution of the registrant's presence and purpose of the visit; or 2) For the purpose of voting at a school on an election day in the State if the Registered Sexual Offender is properly registered to vote and the Registered Sexual Offender's polling place is at the school.

In addition, the law prohibits a person who enters into a contract with a county board of education or a nonpublic school from knowingly employing an individual to work at a school if the individual is a Registered Sexual Offender.

A person who violates this section of the law is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

II. POLICY

The policy of the Anne Arundel County Police Department shall be to aggressively enforce all laws regarding registered sexual offenders by conducting immediate investigations in response to reports of suspected registered sexual offenders entering onto the real property of schools or day care facilities. Based on the outcome of these investigations, those registered sexual offenders found in violation of the law will either be arrested on the scene or charged via an Application for Statement of Charges, depending on the complexity of the investigation and time required to establish the elements of the offense.

III. PURPOSE

The purpose of this policy is to provide specific and consistent guidelines for the Department's response to complaints of suspected registered sexual offenders entering onto the real property of schools and day care facilities.

IV. OFFICER RESPONSIBILITIES

- A. Any officer dispatched to a complaint regarding a suspected registered sexual offender entering onto the real property of any school or day care facility shall immediately respond and initiate an investigation.
- B. Upon arriving at the school or day care facility, the investigating officer will use all lawful methods to verify the identity of the suspected registered sexual offender, including identifying the jurisdiction in which the suspected registered sexual offender is supposed to be registered; and the source of information used to identify the subject as a suspected registered sexual offender.
- C. If reasonable suspicion exists to believe that the suspected registered sexual offender is committing a violation, officers may detain the subject for a reasonable amount of time while conducting their on-scene investigation. As part of the on-scene investigation, the investigating officer will check to see if the suspected sexual offender has any open warrants.
- D. The investigating officer will remain cognizant of the fact that there are numerous sources of information regarding registered sexual offenders, and there are no common standards as to what and how much identifying information is made available through the various sources. Well meaning complainants may call to report a registered sexual offender violation based on only a common name obtained through one of many web sites or other sources of information. Because of these “false positives,” investigating officers should remain courteous and discrete, and should be aware of the embarrassment and anger an innocent person could experience during the investigative process. However, officers should never compromise officer safety.
- E. If the investigating officer determines the subject is not a registered sexual offender, the officer will advise the complainant and no further action is necessary.
- F. If the investigating officer determines the subject is a registered sexual offender, or cannot determine the subject’s status, the investigating officer will contact the Criminal Investigation Division (CID), Sex Offense Unit, Sexual Offender Registry Squad for guidance prior to taking any further law enforcement action. If the Sex Offense Unit supervisor or a Sexual Offender Registry Squad detective is not available, the patrol supervisor will contact the on-call CID supervisor. Investigating officers will not make a warrantless arrest or make an application for a statement of charges related to a registered sexual offender violation without approval from the Sex Offense Unit supervisor or a Sexual Offender Registry Squad detective. This does not prohibit the investigating officer from making an arrest if probable cause exists that another crime has been committed (other than the registered sexual offender violation).
- G. If, after contacting the Sex Offense Unit supervisor or a Sexual Offender Registry Squad detective, it can not be determined if the subject of the investigation is a registered sexual offender; or if an on-scene arrest is not made because additional investigation is required, the investigating officer will deny the subject further access to the school or day care facility, and will ensure the subject promptly departs the school or day care property. In either case, the investigating officer will complete an incident report titled, “**Sexual Offender Investigation**.” The officer will fax a copy of the report to the Sexual Offender Registry Squad (410-222-3414).
- H. If, after contacting the Sex Offense Unit supervisor or a Sexual Offender Registry Squad detective, it is determined that an on-scene arrest will be made, the investigating officer will arrest the registered sexual offender and transport him to the appropriate district station for processing. The investigating officer will complete an incident report titled, “**Sexual Offender Violation**.” The officer will fax a copy of the report to the Sexual Offender Registry Squad (410-222-3414).

V. CRIMINAL INVESTIGATION DIVISION RESPONSIBILITIES

- A. Upon notification, the Sex Offense Unit supervisor, or a Sexual Offender Registry Squad detective will immediately contact the investigating officer on the scene of the suspected registered sexual offender violation.

- B. The Sex Offense Unit supervisor, or a Sexual Offender Registry Squad detective will obtain the details surrounding the incident being investigated. Sources of information available to the Sexual Offender Registry Squad, including the Maryland On-Line Sexual Offender Registry (accessed via MILES), will be checked. The Sex Offense Unit supervisor, or a Sexual Offender Registry Squad detective, will advise the investigating officer how to proceed based on available information.
- C. If further investigation is required, the Sex Offense Unit supervisor or a Sexual Offender Registry Squad detective will advise the investigating officer to obtain the information required for the incident report and will ask that the report be faxed the Sexual Offender Registry Squad (410-222-3414).
- D. If an on-scene arrest is warranted, the Sex Offense Unit supervisor or a Sexual Offender Registry Squad detective will advise the investigating officer to arrest the subject. A Sexual Offender Registry Squad detective, or another CID detective familiar with sexual offender registry violations, will respond to assist the investigating officer with completing the charging documents.
- E. The Sex Offense Unit supervisor will assign all cases requiring follow-up investigations to a Sexual Offender Registry Squad detective.

VI. ANNE ARUNDEL COUNTY PUBLIC SCHOOLS – “V-SOFT” ALERTS

- A. Visitor Student Or Faculty Tracking (“V-SOFT”) is a web based software system developed by Raptor Technologies of Houston, Texas and is being used by the Anne Arundel County Public Schools to track visitors. Visitors to schools equipped with V-SOFT are required to present a driver’s license or other government identification upon entering the school. The information is entered into the V-SOFT system and the visitor’s first name, last name, and date of birth are recorded.
- B. The V-SOFT system uses the recorded information to query a variety of registered sexual offender databases. Because each state has differing methodologies for publishing registered sexual offender information in their databases, “false positive” alerts frequently occur, particularly with common names. Anne Arundel County Public School V-SOFT operators have been trained to compare the visitor’s photograph and/or appearance against the database photograph, and to look for other descriptive information, such as the visitor’s middle initial.
- C. If a V-SOFT alert cannot be refuted, and more specifically when it is apparent the visitor is the same person shown in the V-SOFT registered sexual offender alert, school officials have been instructed to deny the visitor entry and to contact the police. Responding officers will follow the policy and procedures outlined in this Index Code when responding to schools in reference to V-SOFT alerts.

VII. REPORTING REQUIREMENTS

- A. If the on-scene investigation cannot determine if the subject is a registered sexual offender, or if further investigation is required, the investigating officer will complete an incident report titled, “**Registered Sexual Offender Investigation.**”
- B. If an arrest is made because of a Registered Sexual Offender violation, the investigating officer will complete an incident report titled, “**Registered Sexual Offender Violation.**”
- C. All incident reports, including those requiring further investigation, should include the following information:
 - 1. Who identified the suspected registered sexual offender?
 - 2. Was the suspected registered sexual offender still on the scene, or gone on arrival?
 - 3. How far into or onto the property did the suspected registered sexual offender go?
 - 4. What are the names of the school or day care employees who were involved in the incident?
 - 5. What type of identification was presented by the suspected registered sexual offender?
 - 6. Did the suspected registered sexual offender make any admissions to being a registered sexual offender on school property?
 - 7. Does the suspected registered sexual offender have any children at the school or day care facility in question?
 - 8. Why did the suspected registered sexual offender come to the school or day care facility?

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D. All incident reports related to registered sexual offender entry onto school or day care property will be faxed to the Sexual Offender Registry Squad (410-222-3414).

VIII. PROPONENT UNIT: CID Crimes Against Persons Section & the School Safety Section.

IX. CANCELLATION: None.