



GENERAL ORDER OPS-44 SEXUAL OFFENDER COMPLIANCE

EFFECTIVE JANUARY 10, 2011

This General Order contains the following numbered sections:

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I. POLICY

In accordance with the requirements of Title 11, Subtitle 7 of the Criminal Procedure Article of the Maryland Annotated Code, governing Sex Offender Registration, the Howard County Department of Police (HCPD) shall maintain a registry of convicted offenders and disseminate that information in a manner that supports and promotes public safety.¹

II. DEFINITIONS

- A. **Registry**: The listing of convicted sex-offenders, Tier I, Tier II, Tier III and sexually violent predators that is maintained by the HCPD.
- B. **Registrant**: A person required to register as defined in Appendix A.
 - 1. Tier I Sex Offender;
 - 2. Tier II Sex Offender;
 - 3. Tier III Sex Offender; or a sexually violent predator
- C. **Resident**: A person who has a home or other place where the person habitually lives located in this State when the person:
 - 1. is released from the custody of a supervising authority;
 - 2. is granted probation;
 - 3. is granted a suspended sentence;
 - 4. receives a sentence that does not include a term of imprisonment;
 - 5. is released from a juvenile court's jurisdiction under § 3-8A-07 of the Court's Article, if the person was a minor who lived in the State at the time the act was committed for which registration is required.
- D. **Transient**: A Transient is a nonresident registrant who enters the county of this State with the intent to be in the State, or is in the State for a period exceeding fourteen (14) days or for an aggregate period exceeding thirty (30) days during a calendar year for a purpose other than employment or to attend an educational institution.
- E. **Homeless**: A person having no fixed residence.

¹ CALEA 82.1.1c

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- F. Student: An individual who is enrolled in or attends an education institution, including a public or private secondary school, trade or professional school, or an institution of higher education.
- G. Employment: An occupation, job or vocation that is full time or part time for a period exceeding fourteen (14) days or for an aggregate period exceeding thirty (30) days during a calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.
- H. Habitually Lives:
1. Any place where a person lives, sleeps, or visits with any regularity, including where a homeless person is stationed during the day or sleeps at night.
 2. Any place where a person visits for longer than five (5) hours per visit more than five (5) times within a thirty-day (30) period.
- I. Jurisdiction: A State or Native American Tribe that elects to function as a registration jurisdiction under the Federal law.
- J. Release: Any type of release from the custody of a supervising authority.
1. release on parole;
 2. mandatory supervision release;
 3. release from a correctional facility with no required period of supervision;
 4. work release;
 5. placement on home detention; and
 6. the first instance of entry into the community that is part of a supervising authority's graduated release program.
- K. Convicted: A person is convicted if he or she:
1. Is found guilty of a crime by a jury or judicial officer;
 2. Enters a plea of guilt or nolo contendere;
 3. Is granted probation before judgment; or
 4. Is found not criminally responsible for a crime
- L. Sex Offender: A person who has been convicted of:
1. An offense that would require the person to be classified as a Tier I sex offender, Tier II sex offender, or Tier III sex offender;
 2. An offense committed in another state or in a federal, military, or tribal jurisdiction that, if committed in this state, would require the person to be classified as a Tier I sex offender, Tier II sex offender, or Tier III sex offender; or
 3. An offense in a court of Canada, Great Britain, Australia, New Zealand, or any other foreign country when the United States Department of State has determined in its Country reports on human rights practices that an independent judiciary generally or vigorously enforced the right to a fair trial during the year in which the conviction occurred that, if the crime were committed in this State, would constitute one of the crimes of a Tier II sex offender.

- M. Sexually Violent Offender: A person who:
1. Has been convicted of a sexually violent offense; or
 2. Has been convicted of an attempt to commit a sexually violent offense; or
 3. Has been adjudicated delinquent for an act involving a victim fifteen (15) years of age or older that would constitute a violation of §3-303, §3-304, §3-305, or §3-306 of the Criminal Law Article if committed by an adult and meets the requirements for registration under §11-704(c).

- N. Sexually Violent Predators: A person who:
1. Is convicted of a sexually violent offense; and
 2. Has been determined to be at risk of committing another sexually violent offense

O. Supervising Authority

The agency or person that is responsible for collecting the information for the initial registration of a sex offender and the local law enforcement unit where the sex offender is a resident, is a transient, or habitually lives on moving from another jurisdiction or foreign country that requires registration if the sex offender is not under the supervision, custody, or control of another supervising authority.

III. PATROL RESPONSIBILITIES

- A. Patrol officers who come in contact with a registered sex offender from Howard County or any other jurisdiction, to include out-of state offenders, shall notify a Sex Offender Compliance Detective (SOCD) by end of shift. Contact may include but not be limited to:
1. Minor traffic violations
 2. Suspicious subjects
 3. Domestic related incidents
 4. Significant calls for service
- B. Notification to a SOCD may be by email, FIR, Incident Report or phone.
- C. The following information should be provided to assist a SOCD for any further investigation:
1. Name and date of birth
 2. Where the sex offender was located
 3. Vehicle the offender was driving
 4. Reason for being in Howard County
 5. Was the offender on school property
 6. Other occupants or residents with the sex offender
- D. The on-call CIB supervisor shall be notified for any significant incident involving a registered sex offender.

IV. REGISTRATION REQUIREMENTS

- A. All four (4) categories of registrant defined must initially register with both the appropriate supervising authority, and in person with the HCPD within three (3) days of release. Tier III and Sexually Violent Predators must re-register every three (3) months. Tier I and Tier II Sex Offenders must re-register every six (6) months. Transients must register within three (3) days of their arrival into the new jurisdiction. A homeless registrant shall register once a week during the time the homeless registrant habitually lives in the county.

- B. The terms for registering will be:
 - 1. Tier I Sex Offender – 15 years
 - 2. Tier II Sex Offender – 25 years
 - 3. Tier III or a Sexually Violent Predator – Life

V. REGISTRATION PROCEDURES

- A. A registrant, who resides or habitually lives in Howard County, must register with the HCPD within three (3) days after release from any period of incarceration or any disposition by the court that does not include a term of imprisonment.
- B. Upon receipt of the registrant's information from the supervising authority the Records Section supervisor, or his designee, shall create a Sex Offender Registrant file. A designated employee within the Records Section shall send a certified letter to the registrant stating the requirements to register and the procedures for registering.
- C. In the event the registrant arrives at a police facility during non-registration hours, the duty officer shall attempt to locate the SOCD and ascertain if he is available to complete the registration. If not, the duty officer shall obtain basic information from the registrant, to include name, address, and all phone numbers and a copy of their driver's license if possible. The duty officer will forward the information to the SOCD and instruct the registrant to return during registration hours to meet the SOCD to complete their registration obligations.
- D. A designated employee within the Records Section shall review each Sex Offender Registrant file monthly to verify the registration is current.
- E. If the Records Section supervisor, or his designee, or the SOCD learns that a registrant has failed to register, the discovering party (Records or SOCD) will notify the other in writing as soon as possible.
- F. The SOCD, or member of the Child Abuse and Sexual Assault Section (CASAS), processing a registrant shall:
 - 1. Identify the registrant by valid photo identification.
 - 2. Complete the State Sex Offender Registration Requirement forms and ensure the offender understands the contents by explaining the requirements to the offender.
 - a. Complete and obtain a signed Sex Offender Registration form from the registrant.
 - b. Fingerprint any new registrants on the State fingerprint card.
 - c. Take one (1) full-face color photograph of the registrant utilizing the following standards:
 - 1) Pose: full frontal "head and shoulders" with the eyes of the registrant approximately 1/3 of the way down from the top of the photograph. The registrant's eyes must be open in the photograph. Hats and sunglasses are prohibited.
 - 2) Lighting: flat lighting with minimal shadows.
 - 3) Background: the registrant should be positioned in front of a flat non-reflective background (white or 18% gray).

- 4). Photograph shall be updated every six (6) months.
 - d. Additional photos shall be taken for the HCPD case file. Those photos will include a profile picture, photos of visible tattoos, and/or scars.
 - f. Obtain a copy of offender's valid driver's license, passport, and any other form of identification.
 - e. Once the registration process is completed, provide the registrant with a photocopy of the completed Sexual Offender Registration Statement and Sex Offender Registration Requirement Form.
- G. The SOCD or CASAS member shall:
1. Verify offender's residency, employment or school. This verification will include an actual visit to the offender's residence.
 2. Obtain an Incident Report for the original registration and any re-registration. Re-registrations may occur semi-annually or every 90 days or weekly depending upon the registrant's status. In each case, the FCS member or SOCD shall write an incident report.
 3. If applicable, the SOCD will recover and submit DNA from a registered sex offender.
 4. Review the Incident Report and ensure all the boxes are completed accurately and legibly. This review shall be done by SOCD and the SOCD supervisor.
 5. Immediately upon completion of the registration in the Maryland Online Sex Offender Registry (MOSOR) the Detective shall print a copy of the registration statement and the registration requirements form and forward to the supervisor of the Records Section. A copy of all documentation will also be retained by the CASAS.
 6. Periodically ensure that information is verified for each registered sex offender residing in Howard County. This verification can be based upon any information provided to the Department by the offender and shall include actual visits to the offender's residence. School and employment verification shall also be completed.
 7. Upon notification that a registrant has failed to comply with any provisions of the law, the SOCD shall be assigned to investigate and charge as appropriate.
 8. Verification details and subsequent violations will be coordinated with the State's Attorney's Office to ensure timely preparation of charging documents and immediate action on bond revocations for sex offenders who knowingly provide the court with false information of a material fact.
- H. The Records Section supervisor, or his designee, shall:
1. Ensure that the incident report is accurately entered into I-Leads.
 2. Ensure that the registration information and photograph have been accurately entered into MOSOR.
 3. Within three (3) working days, notify the Superintendent of the Howard County Public Schools (HCPS) via a faxed copy of the Sex Offender Registration Statement Form, confirm the transmittal, and send a hard copy through inter-office mail.
 4. Within three (3) working days, notify private schools in the County by e-mail or U.S mail.

5. Maintain a file of each registered sex offender, including the following:
 - a. Information provided by the supervising authority;
 - b. A copy of the Sex Offender Registration Statement;
 - c. A photograph of the registrant;
 - d. A signed copy of the Sexual Offender Registration Requirements Form;
 - e. A copy of the faxed notification to HCPS;
 - f. A copy of any written requests for information regarding the registrant; and a copy of the information released and the date of release;
 - g. Change of address and/or employment notification; and
 - h. Any other information deemed appropriate by the Records Section supervisor.
6. Report as requested to the State.

VI. REGISTRATION UPDATE PROCEDURES

- A. Within three (3) days after receipt of any change submitted by the registrant, the Records Section will update MOSOR with the following change requests:
 1. Registrant's intent to change residence
 2. Registrant's intent to change name
 3. Registrant's intent to leave the United States
 4. Registrant's intent to obtain temporary lodging or to be absent from the registrant's permanent resident or locations where the registrant habitually lives.
- B. Within three (3) working days after receipt of a change of address or employment, the Records Section supervisor, or his designee, shall provide the change to:
 1. The Department of Public Safety and Correctional Services (DPSCS) Sex Offender Registry (SOR) Unit.
 2. The Howard County Superintendent of Public Schools.
 3. All private schools in Howard County.
 4. The Child Abuse/Sexual Assault Section.
- C. At any time, the HCPD may notify the following entities that are located within the community in which a sex offender is to reside:
 1. Registered day care homes, or
 2. Registered child care centers.
 3. Child recreation facilities;
 4. Faith institutions; and
 5. Other organizations that serve children and other individuals vulnerable to sex offenders who victimize children.
- D. The SOCD will make immediate notification to the Records Section supervisor if the CASAS Section receives change of address information. This will enable Records to update the Registry on a timely basis.
- E. The SOCD will physically verify any change of address, if located within Howard County.
- F. The Records Section supervisor will ensure that the Registry is updated to reflect all change(s).

VII. DISSEMINATION PROCEDURES²

- A. The State Registration forms used to develop the Howard County Registry of Sex Offenders shall be kept confidential and may only be released pursuant to State law. The HCPD Sex Offender Registry listing shall be published consistent with instructions from the Chief of Police.
- B. Citizens who wish to obtain a copy of the Sex Offender Registration Statement Form may do so by writing to the Records Section supervisor and requesting a copy. The citizen must, as required by law, provide the reason for the request. All requests will be maintained in a Sex Offender Registry release file within the Records Section.
- C. The HCPD may publish the Registry listing on the HCPD website to make information available to interested community groups, religious organizations and others concerned about children or youth exposure. To facilitate this, the Records Section will send notification to the Office of Public Affairs that the list has been updated and is ready to be published on the web.
- D. Upon receiving notification of any updates, an OPA representative shall be responsible for ensuring that the latest update of the sexual offender listing is published on the HCPD web site.

VIII. CANCELLATION

This General Order will cancel and replace General Order OPS-44, Sexual Offender Registry, dated October 15, 2005.

Authority:


William J. McMahon
Chief of Police

² CALEA 82.1.1 c