

“Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods.”

**ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE
1404.7, SEXUAL PREDATOR AND SEXUAL OFFENDER REGISTRATION,
COMMUNITY NOTIFICATION, AND CONTACT**

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CONTENTS:

1. SEXUAL PREDATORS
2. SEXUAL OFFENDERS
3. FIELD OR OTHER CONTACT WITH SEXUAL PREDATORS OR OFFENDERS
4. REPORTING INACCURACIES
5. COMMUNITY NOTIFICATION REGARDING ANY CRIMINAL OFFENDER
6. GENERAL FELON REGISTRATION
7. REQUESTS FOR INFORMATION
8. JUVENILE SEXUAL OFFENDERS

POLICY:

The Orlando Police Department recognizes that sexual predators and sexual offenders pose a substantial risk to our community. These offenders, by nature, victimize the unsuspecting and the young. It is in their nature to re-offend. The Florida Legislature passed the Florida Public Safety Act (Senate Bill 958, Ch. 97-299, Laws of Florida), hereinafter the “Act,” to simplify sexual predator community notification standards, to expand registration obligations to sexual offenders as well as sexual predators, to revitalize general felon registration, and improve the safety and well-being of Florida’s citizens and visitors. In April 2014, the Florida Legislature passed State Bill 528, which further expanded the registration requirements for both sexual offenders and sexual predators.

It shall be the policy of the Orlando Police Department to utilize every available resource in our mission to protect our citizens. This Agency will comply with the procedures outlined in the Act and further refined by State Bill 528. All reasonable efforts will be made to ensure that sexual predators and offenders within our community abide by registration and other restrictions placed upon them.

The Orlando Police Department has detective(s) assigned to the Orlando Police Department Sexual Offender Surveillance Squad to assist with the management and investigations of sexual offenders and sexual predators within the Orlando City limits.

DEFINITIONS:

Internet identifier: Any designation, moniker, screen name, user name, or other name used for self-identification to send or receive social internet communication.

Permanent residence: A place where a sexual predator or sexual offender abides, lodges, or resides for 3 or more consecutive days.

Temporary residence: A place where a sexual predator or sexual offender abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 3 or more days in the aggregate during any calendar year and which is not their permanent address, or, if their permanent residence is not in this state, a place where they are employed, practice a vocation, or are enrolled as a student for any period of time in this state.

Transient residence: A county where a sexual predator or sexual offender lives, remains, or is located for a period of 3 or more days in the aggregate during any calendar year and which is not their permanent residence or temporary

residence. The term includes, but is not limited to, a place where they sleep or seek shelter and a location that has no specific street address.

PROCEDURES:

1. SEXUAL PREDATORS

Sexual Predator: There are two ways a subject may be designated as a sexual predator. One way is to have committed (on or after 10/1/93) one of the several "one is enough" sexual predator offenses. The other way is by committing a "second offense" sexual predator offense (committing a listed sexual offense after having been previously found to have committed certain other-listed sexual offenses).

The "one is enough sexual predator offense" - 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, which occurred after 10/1/93:

- a. Any capital, life, or first-degree felony violation of Florida Statutes, Chapter 794 (or of a similar law of another jurisdiction); **OR**
- b. Any violation of §847.0145, Fla. Stat. (or of a similar law of another jurisdiction): These violations include the selling or transfer or purchasing of custody of a minor by a parent, guardian, or other person having custody or control of a minor knowing the minor will be portrayed in a visual depiction of sexually explicit conduct (first-degree felony).

The "second offense sexual predator offense": Any person who has been convicted of or is found to have committed (on or after 10/1/93), regardless of adjudication, or who pleads nolo contendere or guilty to any second-degree or greater felony violation of these Florida offenses (or similar laws of another jurisdiction), including:

- a. A second-degree felony or greater violation of Florida Statutes, Chapter 794;
- b. A violation of §800.04, Fla. Stat. (Lewd, lascivious, or indecent assault or act upon or in the presence of a child under the age of 16 years);
- c. A violation of §827.071, Fla. Stat. (Use or promotion of a minor in a sexual performance or possession with intent to promote a depiction including sexual conduct by a child);
- d. A violation of §847.0145, Fla. Stat. (Attempt, solicitation, or conspiring to sell or buy a minor).

After having been previously convicted of or found to have committed, regardless of adjudication, or having pled nolo contendere or guilty to any of these violations (or similar violation in another jurisdiction):

- a. §794.011(2), (3), (4), (5), or (8), Fla. Stat. (Sexual battery charges involving victims less than 12 years of age);
- b. §800.04, Fla. Stat. (Lewd and lascivious acts upon or in the presence of a child under 16 years);
- c. §827.071, Fla. Stat. (Sexual performance by a child);
- d. §847.0133, Fla. Stat. (Selling, renting, loaning, etc., obscene material to a minor); or
- e. §847.0145, Fla. Stat. (Selling/buying minors).

AND the "prior felony" resulted in a conviction or sentence or adjudication of delinquency entered separately and before the current offense.

A previous offense will NOT be considered a "prior felony" for sexual predator designation if the prior offense was committed more than ten years before the primary offense, AND the offender has not been convicted of any other crime for ten consecutive years from the most recent date of release from confinement, supervision, or sanction, whichever is later.

1.1 PROCEDURES FOR REGISTRATION

The sexual predator's responsibilities:

All sexual predators as determined by the offenses noted above, who committed offenses on or after October 1, 1993, and for whom the court has made a written finding of sexual predator status must register as sexual predators. Section 775.21, Fla. Stat., allows a state attorney to secure a written court finding when it appears one should have been made, but was not, or for offenders entering Florida from other jurisdictions.

Sexual predators attempting to register with the Orlando Police Department will be referred to the appropriate registering agency (Orange County Sheriff's Office). FDLE will then assist the Orange County Sheriff's Office (OCSO) with the registration process. Sexual predators will be provided contact information (address and phone number), based on the registration guidelines below.

Initial registration (See §775.21(6), Fla. Stat.):

- a. If he or she is in the custody of, control of, or under the supervision of the Department of Corrections (DOC) (or private correctional institution), then DOC must register the predator with the Florida Department of Law Enforcement (FDLE). This includes any predator on probation, parole, or conditional release. In these cases, the probation officer, parole officer, or community control officer must register the predator.
- b. If the predator is not in the custody of, control of, or under the supervision of DOC, then the predator must initially register in person with the Sheriff in the county of his or her temporary or permanent residence. Registration must be within 48 hours after establishing his or her temporary or permanent residence.

The registrant must provide the following information:

- a. Name, social security number, age, race, sex, date of birth, height, weight, hair, and eye color, address of legal residence or temporary residence, date, and place of any employment, date, and place of each conviction, a brief description of the crime, *genetic markers (if not already taken), *a photograph, *fingerprints, and "any other information determined necessary" by FDLE. (*DNA blood samples should be ordered by the sentencing court at the time of conviction but may have to be obtained later if not previously secured. The Department of Corrections must take both the required photographs of the predator and his or her fingerprints.) Registrants are required to provide information regarding all internet accounts, all internet identifiers, all vehicles or vessels owned or driven and information regarding schools, colleges, or technical schools they attend either on a temporary or permanent basis.
- b. After a predator is no longer under the jurisdiction, supervision, or control of DOC (or private correctional facility) and after the initial registration made in person at a sheriff's office, a sexual predator must then report in person at a driver's license office of the Department of Highway Safety and Motor Vehicles (DHSMV) within 48 hours after any change in his or her permanent or temporary residence. He or she must always appear in person to renew his or her driver's license or Florida ID card and must identify themselves to DHSMV as a sexual predator. At any such renewal, registration information will be verified and updated as necessary. At each appearance, DHSMV takes a digital photo of the predator and forwards a copy of it, along with all the predator's information, to FDLE and DOC. The predator bears the costs of the process. It is a third-degree felony for a sexual predator to fail to obtain and maintain a current driver's license or Florida ID card within 48 hours after a change in temporary or permanent residence. (See §775.21(9)(a), Fla. Stat.) All sexual predators with a Florida identification card or Florida driver's license must have state statute 775.21 printed in the bottom right corner or the words "Sexual Predator" or "Predator" typed on the card. Failure to have this printed on a sexual predator's driver's license or identification card could result in the individual being charged with a third-degree felony for failure to register with the Department of Highway Safety and Motor Vehicles.
- c. Registration obligations continue for life unless the predator has had his or her civil rights restored, or has had a qualifying conviction set aside. Ten years after release from confinement, supervision, or sanctions

(whichever is later) with no arrests for felonies or misdemeanors, a predator may petition the criminal division of circuit court to remove his or her predator designation. The court has the discretion to grant or deny the petition.

- d. Registration will be conducted at the Orange County Sheriff's Office (2500 W. Colonial Drive, Orlando, FL 32804) for all sexual predators within 48 hours of the individual moving into the City of Orlando. All registrations are by appointment only, unless emergency conditions exist. Those individuals with emergency conditions will be handled on a case-by-case basis. The hours for registration appointments at the Sheriff's Office are:

Monday thru Friday, 0800 – 1600 hours. No registrations will be taken on weekends and select holidays. Sexual offenders and predators are encouraged to contact the Sheriff's Office at 407-254-7000 in advance to determine availability and make an appointment.

1.2 NOTIFICATION TO OPD

OPD will be notified of the presence of a sexual predator within the community within 48 hours of the predator's registration with FDLE. This will be accomplished by an FCIC administrative message. Communications shall immediately forward the administrative message to the supervisor of the Special Victims Unit (SVU) via inter-office mail. The supervisor will forward that information to the OPD detective(s) assigned to the SOS Squad to ensure that they receive the message.

FDLE operates a sexual predator hotline access (1.888.357.7332 [1.888.FL.PREDATOR]) that law enforcement can utilize to obtain information for purposes of monitoring, tracking, and prosecution. FDLE also maintains its current listing of sexual predators on its Internet website (<http://www.fdle.state.fl.us/>): this serves as an excellent resource for law enforcement agencies. In addition, OCSO maintains an internet website (www.ocso.com/SexOffenderInfo/MostWantedSexOffenders/tabid/169/Default.aspx), which can be used as an investigative tool when looking for sexual predators.

1.3 PUBLIC NOTIFICATION PROCEDURES

Once the sheriff of the county and the chief of police of the municipality are notified by FDLE of a sexual predator's presence, the sheriff or police chief must notify the community. (See §775.21(7), Fla. Stat.) When the court has made a written finding that an offender, is a sexual predator, all elected officials, public agencies, and public employees are immune from liability for damages from releasing information regarding the predator as authorized by §775.21, Fla. Stat. (See §775.21(8), Fla. Stat.)

There is no specified manner to notify the community. Notification is in any manner deemed appropriate by the notifying agency head for all sexual predators. FDLE will notify the public through its Internet page and its toll-free hotline number.

If the SVU supervisor or the OPD detective(s) assigned to the SOS Squad deems it necessary, a prepared flyer can be forwarded to Media Relations for distribution per the current issue of P&P 2304, Release of Information to the Media. The flyer must contain the following information:

- a. Name and description of the predator, including a photograph;
- b. Current temporary or permanent residential address, including the city and county;
- c. Offense and circumstances surrounding the conviction of the offender;
- d. Whether the victim was a child or adult at the time of the offense. **NO INFORMATION TENDING TO IDENTIFY THE IDENTITY OR AGE OF A VICTIM SHALL BE RELEASED.**

1.4 NOTIFICATION TO SCHOOLS AND DAYCARES

Within 48 hours after receiving notification of the presence of a sexual predator living within Orange County, an email is sent to each licensed daycare center, elementary school, middle school, and high school within a one-mile radius of the temporary or permanent residence of the sexual predator. (See Fla Stat. 775.21(7)(a).) The email is automatically generated by the OCSO when there is a notification or registration of a sexual predator moving into Orange County.

1.5 INTENSIFIED COMMUNITY NOTIFICATION

The Chief of Police or designee may, after reviewing the material provided by FDLE regarding a sexual predator, make a decision concerning further notification to the community. This decision shall be made with the best interests of the community and the Department in mind and shall be made per current Department policy. Some Department and community resources that may be notified include:

- a. Department Resources.
 1. Patrol or operational personnel.
 2. Community Relations Unit.
Neighborhood Services Office.
- b. Community Resources
 1. Church groups.
 2. Scouting and youth organizations.
 3. Victim service organizations.
 4. Department of Children and Families.
 5. Shopping areas where children congregate.
 6. Parks and recreation departments.
 7. School system.
 8. Internet bulletins.
 9. Public television.
- c. Any other resources as deemed appropriate by the Chief of Police or bureau commander.
- d. The *A Child Is Missing* organization can make a mass notification via telephone lines to the community within one and one-half-mile radius. Upon verifying that a sexual predator has moved into the City limits, the SVU supervisor will determine if *A Child Is Missing* Sexual Predator Notification should be utilized. Once a determination to use the system is made, the Sexual Predator Notification and Sexual Predator Message forms (available in CID) will be completed by an OPD detective assigned to the SOS Squad. The detective will coordinate with *A Child Is Missing*, who will activate the system. Before the activation, the detective will notify and provide a copy of the text to be broadcast to the following: the Youth Services Section Commander; the Communications shift supervisor; the on-duty watch commanders; the patrol captain of the affected area; Media Relations; Neighborhood Services – Neighborhood Watch Coordinator; and the A/B Days Section Commander. The detective will adjust his or her hours to monitor phone lines at the time of the notification.

2. SEXUAL OFFENDERS

The 1997 Legislature enacted new provisions requiring registration and permitting community notification regarding “sexual offenders.” Not all “sexual offenders” are “sexual predators,” so in determining what registration obligations apply, care must be exercised in evaluating the offender’s criminal history. The sexual offender provisions are primarily found in §943.0435, Fla. Stat.

Sexual Offender: 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 redesignated from a former statute number, or analogous offenses in another jurisdiction):

- a. §787.025, Fla. Stat. (Luring or enticing a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose);
- b. Any Florida State Statutes, Chapter 794 offense (Sexual Battery);
- c. §796.03, Fla. Stat. (Procuring a person under the age of 18 for prostitution);

- d. §800.04, Fla. Stat. (Lewd, lascivious, or indecent assault or act upon or in presence of child under the age of 16 years);
- e. §827.071, Fla. Stat. (Sexual performance by a child of less than 18 years of age);
- f. §847.0133, Fla. Stat. (Distribution of obscene materials to minor under the age of 18);
- g. §847.0135, Fla. Stat. (Computer pornography involving a minor);
- h. §847.0145, Fla. Stat. (Selling or buying of minors for sexually explicit conduct);

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.

NOTE: Sexual predator designations apply to offenses committed from October 1, 1993, forward. In contrast, the sexual offender definition applies to any listed offense, committed on any date, for which an offender is being “released on or after October 1, 1997, from the sanction imposed” for the offense. “A sanction imposed” includes, but is not limited to, fine, probation, community control, parole, conditional release, control release, or incarceration. “Conviction” means the person has been determined guilty as a result of a plea or a trial, regardless of whether adjudication is withheld. (See §943.0435, Fla. Stat.)

A sexual predator will also meet the “sexual offender” definition. When dealing with a sexual predator, the sexual predator registration and notification obligations supersede the sexual offender procedures. (See §943.0435(5). Fla. Stat.)

2.1 REGISTRATION REQUIREMENTS AND PENALTIES

A sexual offender MUST report in person to the Orange County Sheriff’s Office within 48 hours of establishing permanent or temporary residence in the county. The information to be provided includes name, date of birth, race, sex, height, weight, hair and eye color, tattoos or other identifying marks, and the address, date, and place of conviction with a description of the crime. The sexual offender will be photographed and fingerprinted in the registration process. If the registration occurs at the sheriff’s office, the information is to be forwarded to FDLE. Sexual offenders attempting to register with the Orlando Police Department will be referred to the appropriate registering agency (Orange County Sheriff’s Office) and provided contact information (address and phone number). Upon registration, a sexual offender must provide information regarding all internet accounts, all internet identifiers, all vehicles or vessels owned or driven, and information regarding all schools, colleges, or technical schools they attend either on a temporary or permanent basis.

After an offender is no longer under the jurisdiction, control, or supervision of DOC (or private correctional facility) and after the initial registration made in person at a sheriff’s office, the sexual offender must report in person at a driver’s license office of the DHSMV within 48 hours after any change in the offender’s permanent or temporary residence. The information provided to FDLE must be supplemented, and a digital photograph will be taken. The information is forwarded to FDLE. Sexual offenders must report in person to DHSMV when renewing a driver’s license or Florida ID so the registration information can be updated and the identity of the offender can be verified. The costs of the DHSMV procedures are to be paid by the offender. Any “additional information” necessary to confirm the identity of a sexual offender, including fingerprints, can be requested by DHSMV.

Failure by the offender to register with the Orange County Sheriff’s Office or failure to maintain a current driver’s license or Florida ID card with DHSMV is a third-degree felony. (See §943.0435(6), Fla. Stat.)

In addition, DOC will provide the following sexual offender information to FDLE as soon as it is available electronically in an FCIC-acceptable format: Name/alias, address, the legal status of the offender (e.g., “On Parole”) and the name, location, and telephone number of the supervising office (i.e., probation, parole, or conditional release), whether the victim was a minor, physical description of the offender, the sex offense convicted of, and a photograph taken within 60 days of termination of supervision or incarceration. DOC is immune from civil liability for providing this information. (See §944.607, Fla. Stat.)

2.2 NOTIFICATION TO OPD

Inmate release information is sent to the agency directly from the Department of Corrections. Sexual offender information will be available via FCIC as a "status file record." Agencies making status inquiries on a person who is a sexual offender will receive current registration information as a result of that inquiry. Due to the volume of sexual offenders required to register, agencies will not receive direct notices of sexual offender registration or address changes. The information is available by county on the FDLE Internet website or agencies may request, at any time, that FDLE provide them with a current listing of sexual offenders FDLE's records show are residing within their jurisdiction. The SVU supervisor or designee must monitor sexual offender data utilizing CJNET (Criminal Justice Network) via the Internet daily, because information changes daily, and printed lists become outdated quickly.

FDLE maintains a toll-free sexual offender hotline for the public to access information about sexual predators and offenders (1.888.FL.PREDATOR; 1.888.357.7332). The Internet website is <http://www.fdle.state.fl.us/>. FDLE will also furnish a copy of the photograph of the offender upon request at a reasonable fee. OCSO also maintains an internet website (www.ocso.com/SexOffenderInfo/MostWantedSexOffenders/tabid/169/Default.aspx), which can be used as an investigative tool when looking for sexual offenders.

2.3 PUBLIC NOTIFICATION

Six months before the release of a sexual offender from incarceration, DOC must provide to FDLE, the sheriff of the county where the offender was sentenced, the sheriff of the county where the offender plans to reside, and any person who requests the information the following: name/alias, prison or jail from which the offender is released, social security number, race, sex, date of birth, height, weight, hair, and eye color, date and county of the sentence, the crime sentenced for, fingerprints, and a photograph (taken within 60 days of the anticipated release). DOC may provide other records, including criminal records, and personnel records.

Upon receipt of the above information, FDLE and/or the sheriff or police chief shall give the information to anyone who asks, and may unilaterally notify the community in any manner deemed appropriate, unless the information is confidential or exempt from disclosure under Florida Statutes, Chapter 119. (Notification of the community is optional for sexual offenders. It is mandatory for sexual predators.)

The Department may release the following information upon public request or to ensure the safety of the community: (28.06)

- a. Offender's name.
- b. Social Security number.
- c. Race, sex, and DOB of the subject.
- d. Height, weight, hair, and eye color of the party.
- e. County of sentence and each crime for which the offender was sentenced.
- f. Copy of the fingerprints.
- g. Photograph.
- h. Intended residential address of the subject.

An elected or appointed official, public agency, or public employee is immune from liability for releasing information concerning offenders. DOC, FDLE, and DHSMV are also immune from civil liability, and all law enforcement agencies are given expressed permission to release sexual offender information to the public.

3. FIELD OR OTHER CONTACT WITH SEXUAL PREDATORS OR OFFENDERS

3.1 NON-ARREST CONTACTS

If a sexual predator or offender should approach any civilian employee in an attempt to register or change address, a sworn officer shall be summoned. The officer shall complete an FIR and direct the subject to the Orange County Sheriff's Office to register and the DHSMV for an address change for their Florida ID card or driver's license. While the officer is out with the sexual offender, the on-call SOS Squad detective will be notified. The on-call detective is

contacted by calling the OCSO communication non-emergency number at 407-836-4357 and requesting to speak with an SOS Squad on-call detective.

If an officer encounters a subject who is identified as a sexual offender or predator, an FIR shall be completed with the following additional information and forwarded to the OPD SOS Squad before the end of their tour of duty. If an OPD officer encounters an offender or predator from another state, he/she is required to complete an FIR and contact the on-call detective from the SOS Squad while the officer is out with the sexual offender or predator.

- a. The nature of the activity in which the offender was involved, the exact location of the contact, and any other persons present;
- b. Whether the subject is visiting or has established an address in the Orlando area;
- c. Whether the subject has registered with FDLE as to his or her residency;
- d. The subject's place of employment, and whether this location is frequented by children (Note that working or volunteering at a location frequented by children is prohibited by §775.21(9)(b), Fla. Stat.);
- e. Whether or not the subject has obtained a recent Florida driver's license or ID card.

This information will assist the OPD detective(s) assigned to the SOS Squad in the filing of criminal charges should the predator or offender be found to have committed a prohibited act, such as failing to notify of an address change, or working or volunteering where children congregate.

Should a sexual predator or sexual offender refuse to provide any of this information, the officer should forward an FIR containing the information that was obtained to the SVU supervisor. An arrest may not be made for merely refusing information. The details of the police contact will be forwarded to the subject's probation/release officer, if applicable, for any type of enforcement action.

3.2 INVESTIGATIVE OR ARREST CONTACTS

If a subject is determined to be a sexual offender, a sexual predator, or is any subject under investigation or arrest for committing, attempting, soliciting, or conspiring to commit a violation of Florida Statutes, Chapter 794, §787.025, §796.03, §800.04, §827.071, §847.0133, §847.0135, or §847.0145, Fla. Stat., the detective or officer assigned the case shall immediately contact the Department of Corrections to verify whether the person under investigation or arrest is on probation, community control, parole, conditional release, or control release.

If the person under investigation or arrest meets any of the above conditions, the detective or officer assigned to the case shall immediately notify the person's probation officer or release supervisor of the investigation or arrest.

During business hours, the local Department of Corrections office can be reached at 407.245.0845. After business hours, the department's contact number is 850.410.8106. They will ascertain the subject's status and provide contact information. In all cases where a designated sexual offender or sexual predator is arrested for any crime where a sexual motive may be inferred (i.e., burglary, loitering, prowling, lewd act, etc.), the on-call SVU detective shall be notified.

In all other types of arrests (DUI, shoplifting, etc.), a copy of the paperwork shall be forwarded to SVU.

3.3 SEXUAL PREDATOR AND OFFENDER TRACKING (SPOT) PROGRAM

The OCSO Sex Crimes Unit, in conjunction with the OCSO Tactical Operations Section, FDLE, and other units, shall track those sexual predators and offenders residing within the City limits of Orlando, who are not under the custody or control of the Department of Corrections. FDLE will continue to mail letters to the last reported address of sexual offenders and predators. The OCSO Sex Crimes Unit will be responsible for accessing the CJNet (Criminal Justice Network) to determine those sexual offenders and predators who failed to respond to the FDLE mail-out. The CJNet will be updated continuously by FDLE. The OCSO Sex Crimes Unit supervisor will ensure an officer makes face-to-face contact with offenders and predators who did not respond to the FDLE mail-out. Contact will be made with sexual predators and specified sexual offenders to include those offenders on Federal Probation and Community Control every three months regardless of whether they responded to the FDLE mail-out. All sexual offenders on probation will

be verified on an annual basis via their assigned probation officer. On an annual basis, the OCSO Sex Crimes Unit will verify, face-to-face, all sexual offenders not on probation. This will ensure the offender or predator actually resides at the address and is complying with their conditions as required by law.

3.4 SOS SQUAD DETECTIVE

The assigned detective(s) from the SOS Squad is administratively assigned to the supervisor of the SVU and operationally assigned to the SOS Squad at the Orange County Sheriff's Office. This detective(s), will monitor and investigate cases relating to sexual offenders and sexual predators in the City of Orlando. The detective(s) assigned to this position will train quarterly with the OPD Special Enforcement Division on dynamic vehicle takedowns and are authorized to conduct these takedowns per the current version of P&P 1120, Vehicle Pursuits and Apprehension.

4. REPORTING INACCURACIES

During agency activity, if it is determined an address or other data reflected in the sexual predator's or offender's records is inaccurate, the officer will contact the on-call SOS Squad detective by calling OCSO communication non-emergency number at 407-836-4357. The officer will be instructed to either complete an FIR or an information report. The on-call detective will be responsible for updating FDLE regarding any changes regarding a sexual offender or sexual predator's status.

If an investigation reveals the sexual predator/offender intended to violate the provisions of the registration laws, a criminal complaint should be forwarded to the State Attorney's Office for consideration of prosecution under §775.21(6), Fla. Stat.

If an investigation reveals the sexual predator/offender intended to violate the provisions of their registration and the on-call detective directs the officer to do so, an incident report will be completed and forwarded to the SVU supervisor. This report will be forwarded to the detective(s) assigned to the SOS Squad for follow-up investigation. The detective(s) will complete all follow-up paperwork. If probable cause is established, an arrest warrant will be obtained or at-large charges will be filed with the State Attorney's Office under Florida statute 775.21(6).

5. COMMUNITY NOTIFICATION REGARDING ANY CRIMINAL OFFENDER

Section 943.046, Fla. Stat., effective 10/1/97, confirms that any state or local law enforcement agency may release to the public any public information regarding any criminal offender unless the information is otherwise confidential or exempt. Persons seeking a public record copy of a Florida criminal history record must follow the method set out in §943.053, Fla. Stat., which requires them to secure the criminal history printout from FDLE upon payment of the authorized fee. They may call FDLE at 850.488.4931 for information and assistance.

6. GENERAL FELON REGISTRATION

The general felon registration law (§775.13, Fla. Stat.) has been revised to "refresh" felony registration records. Any person who has been convicted of a felony or any crime in another jurisdiction that would be a felony if committed in Florida must, unless otherwise excused by the act, register as a convicted felon. The revision indicates any such person who is within any county as of October 1, 1997, must register with the sheriff of the county (or FDLE) by no later than December 1, 1997. This provision applies to all general felons. Registration is NOT required if the offender has:

- a. Had his or her civil rights restored;
- b. Has received a full pardon for the offense for which convicted;
- c. Has been lawfully released from incarceration or other sentence or supervision for a felony conviction for more than five years, and is not a fugitive from justice on a felony charge or has not been convicted of any offense since release from incarceration or other sentence or supervision.

Registration is not required for offenders who are parolees or probationers under the United States Parole Commission if the offender's presence in Florida is approved, if the offenders are under active federal probation supervision, or if the offenders have been "lawfully discharged from such parole or probation."

Sexual predators who have registered as required by law are not required to register as felons. The law did not provide the same exemption for sexual offenders who register as required by law. However, this appears to be an oversight, since the sexual offender registration requirement is more demanding than the general felony registration. Failure to register as a general felon is a second-degree misdemeanor.

7. REQUESTS FOR INFORMATION

All requests for information regarding sexual predators or offenders shall be handled within Department policy regarding public records requests and applicable state law. They shall be handled in the following manner:

- a. Business Hours - Requests for information regarding designated or possible sexual predators and offenders received from the public should be directed to the Records Unit. All such requests should be fulfilled immediately or as soon as possible. Standard restrictions apply to the release of criminal history and victim information.
- b. After Business Hours - When requests are received for information regarding sexual predators or offenders after business hours, the caller/visitor should be advised to contact the Records Unit during business hours, and will also be directed to FDLE's 24-hour phone number or website address.
- c. Requests from the Media - Requests from the media should normally be directed to the Media Relations office and shall be handled per current Departmental policy.
- d. Criminal History Information - Requests received for criminal history information that has been obtained from FCIC/NCIC sources shall be directed to FDLE.

8. JUVENILE SEXUAL OFFENDERS AND PREDATORS

Officers coming into contact with juvenile sexual offenders and juvenile sexual predators are directed to call the on-call detective with the SOS Squad. These offenders and predators are flagged in teletype as individuals that do meet the criteria for registration and are subject to the same requirements as adult offenders and predators.

Some juveniles have committed sexual offenses but they are not required to register. These individuals are normally tracked by the JAM Unit at OCSO until they are 18 years of age. If an officer comes into contact with one of these individuals, the officer should contact Orange County Communications at 407.836.4357 and request to speak with the on-call JAM detective.