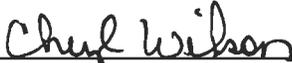


**LANCASTER POLICE DEPARTMENT  
GENERAL ORDERS MANUAL**

<i>Effective Date</i> <b>August 26, 2015</b>		<i>Amended Date</i>	<i>Directive</i> <b>7.16.1</b>
<i>Subject</i> <b>Sex Offender Registration</b>			
<i>Reference</i>		<i>Approved</i>  <b>Chief of Police</b>	
<i>Distribution</i> <b>All Personnel City Manager City Attorney</b>	<i>TPCA Best Practices Recognition Program Reference</i>  <b>7.31</b>	<i>Review Date</i>	<i>Pages</i>  <b>7</b>

**This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

**SECTION 1 PURPOSE**

The purpose of this order is to establish the minimum guidelines and protocol for the registration of Sex Offenders and the enforcement of all related local, state, and federal laws.

**SECTION 2 POLICY**

It is the policy of the department to accurately register sex offenders, conduct compliance checks to ensure offenders are complying with their requirements, and prosecute those who fail to comply with requirements under Chapter 62, Texas Code of Criminal Procedure.

**SECTION 3 PROCEDURES**

**A. FORMS AND RESOURCES**

1. Sex Offender Update form – CR-39
2. Sex Offender Information Supplement – CR-35 OS
3. Pre-Release Notification – CR-32
4. Sex Offender Registration Form – CR-35
5. Sex Offender Registration Information Supplement Form – CR-35 IS
6. Institution of Higher Education Sex Offender Notification Form – CR-35 IHE
7. Finger Print Card – CR-36
8. Blue Sex Offender Registration Card
9. Offender Watch is data base used to meet notification requirements

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**B. SEX OFFENDER REGISTRATION INVESTIGATOR**

1. The Criminal Investigation Division Commander will assign a detective assigned to the Criminal Investigation Division to conduct sex offender registration and compliance. The Division Commander may also assign another detective as a back-up.
2. The assigned detective will be responsible for registering, verifying and compliance checks of all sex offenders who are required to register, per Chapter 62, Texas Code of Criminal Procedure.
3. The assigned detective will be responsible for completing all required paperwork, including updates into the Texas Department of Public Safety Sex Offender Database and the department's Records Management System.

**C. GENERAL PROCEDURES**

1. New Offender(s)
  - a. Offenders who have never been registered. These are offenders who have just been convicted in court or released from prison.
  - b. The prison or probation officer will mail the CR-32 and CR-35 yellow copy to the department.
  - c. If the assigned investigator does not receive the CR-32 and CR-35 yellow copy, the investigator needs to contact the Texas Department Criminal Justice – Huntsville by telephone at 936-437-6572 or 936-437-6541 or by fax at 936-437-6377.
2. Offender Responsibility
  - a. The offender shall supply lease, purchase contract, or a notarized affidavit from the owner of the home for proof of residency.
  - b. The offender shall notify the Texas Department of Public Safety Driver License Division that they are a registered sex offender. The Department of Public Safety will add the subject into their system as a registered sex offender and the notification will be on his Texas driver license and/or identification return. Registered sex offender's Texas driver license and/or identification card will expire annually on the offender's birthdate. New registrants have thirty (30) days to obtain a valid Texas driver license and/or identification card or show proof they are attempting to obtain one.
  - c. The offender shall provide a copy of a utility bill, showing the offender's address.
3. Assigned Investigator's Responsibilities
  - a. The assigned investigator will obtain the address of where the new offender intends on living. The assigned investigator will verify the address is located in the City of Lancaster and verify the offender and residence is not prohibited, per Lancaster City Ordinance, Article 8.1100 "Residency Restrictions for Sex Offenders"

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- b. If the assigned investigator determines the address is not located in the City of Lancaster, the investigator will advise the offender where and with whom he or she is required to register. If the investigator determines the offender cannot live at the residence because it is prohibited, per Lancaster City Ordinance, Article 8.1100 "Residency Restrictions for Sex Offenders" the investigator will advise the offender that he or she cannot reside at the residence due to it being a prohibited area and provide a written copy of the city ordinance. If the offender is already residing at the residence, the investigator will advise the offender, he or she has seven (7) days to vacate the residence. The investigator will conduct a follow-up to verify the offender is not residing at the residence after the seventh (7<sup>th</sup>) day.
- c. Complete a CR-35 form.
- d. Take two (2) photos of the offender.
- e. Fingerprint the offender using the CR-36 (two finger print identification cards)
- f. Provide the offender with a blue sex offender registration card.
- g. Complete a CR-39 form.
- h. Create a folder, which will contain the receive CR-32 and CR-35 yellow copy from the probation or parole officer, the signed original CR-39 form, a copy of the signed CR-35 form and one of the finger print cards.
- i. Complete an update on the online Texas Department of Public Safety Database
- j. Create a new sex offender registration profile in the department's Records Management System and scan the signed original CR-35, CR-39 and CR-36 into the system.
- k. Fax a copy of the signed original CR-35 and signed original CR-39 to the Texas Department of Public Safety.
- l. Mail the signed original CR-35 and one of the finger print cards to Department of Public Safety, Crime Records Services, P.O. Box 4143, Austin, Texas 78765-4143, Attention: Sex Offender Registration.

**4. Out of State Offenders**

- a. The assigned investigator needs to obtain all previous sex offender paperwork from last known registration agency from the offender.
- b. The assigned investigator needs to contact the last known registration agency and obtain all paperwork from the agency.
- c. The investigator will conduct a criminal history check on the offender and identify which offense(s) he has been convicted. The investigator then will go to the Texas Department

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of Public Safety Sex Offender Registration Database website and go to the section that identifies what out of state charges match Texas charges.

- d. Once all paperwork and identification of the charge is obtained, the investigator will complete the same steps as done with a new offender.

**5. Change of Address: Offenders Within City Limits**

- a. The offender shall notify this agency seven (7) days prior to moving as required by Chapter 62, Texas Code of Criminal Procedures.
- b. The assigned investigator will obtain the address of where the new offender intends on living. The assigned investigator will verify the address is located in the City of Lancaster and verify the offender and residence is not prohibited, per Lancaster City Ordinance, Article 8.1100 "Residency Restrictions for Sex Offenders"
- c. If the assigned investigator determines the address is not located in the City of Lancaster, the investigator will advise the offender where and with whom he or she is required to register. If the investigator determines the offender and residence is prohibited, per Lancaster City Ordinance, Article 8.1100 "Residency Restrictions for Sex Offenders" the investigator will advise the offender that he or she cannot reside at the residence due to it being a prohibited area and provide a written copy of the ordinance.
- d. The offender shall supply lease, purchase contract or a notarized affidavit from owner of the home for proof of residency.
- e. The offender's Texas driver license or identification card should reflect new address with annual expiration.
- f. The offender shall provide a copy of a utility bill, showing the offender's address.
- g. The assigned investigator will complete a CR-39 form and issue the offender a new blue sex offender registration card.
- h. The assigned investigator will update the Texas Department of Public Safety Sex Offender Registration Database online, update the Sex Offender Module in the department's Records Management System and scan the signed original CR-39 into the system.
- i. The assigned investigator will take an updated photo if one is needed.

**6. Moving to Another Jurisdiction**

- a. The offender shall notify this agency seven (7) days prior to moving as required by Chapter 62, Texas Code of Criminal Procedure.
- b. The assigned investigator will obtain the date of move and complete a CR-39 form.

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- c. The assigned investigator will make sure the offender understands they have seven (7) days to report to the new agency as required by Chapter 62, Texas Code of Criminal Procedure.
- d. The assigned investigator will fax the CR-39 form to the agency with jurisdiction where the offender is moving.
- e. The assigned investigator will update the Texas Department of Public Safety Sex Offender Registration Database online.
- f. The assigned investigator will update the Sex Offender Module in the department's Records Management System and scan the original signed CR-39 into the system. The investigator will show the offender as moved out of the city and the file will be listed as closed.
- g. The assigned investigator will move the paper file on the offender from the active section to the closed section.

7. All Other Updates: Change of Employment, Vehicle, License Plate Number, Phone Number, Etc.

- a. The assigned investigator will complete a CR-39 form.
- b. The assigned investigator will update the Texas Department of Public Safety Sex Offender Registration Database online, update the Sex Offender Module in the department's Records Management System and scan the original signed CR-39 into the system.

**D. PUBLICATION**

1. If the sexual offender's victim is a child younger than seventeen (17) years of age (regardless of the basis on which the person is subject to registration), notification is made to the superintendent of the school district in which the person subject to registration intends to reside.

- a. The notice to the superintendent includes any information that is determined to protect the public except the following:
  - i. the offender's social security number, driver's license number or telephone number;
  - ii. any information that would identify the victim of the offense for which the person is subject to registration
- b. If the sexual offender is convicted of the sex offense after September 1, 1995, the following steps are taken for public notification:
  - i. Public notification of the sexual offender's registration is made available on the Texas Department of Public Safety web site in the following circumstances:
    - 1. the offender's victim is a child younger than seventeen (17) years of age;

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2. the basis on which the person is subject to registration is not an adjudication of delinquent conduct or deferred adjudication; and/or
  3. it is not a conviction under Section 25.02, Texas Penal Code (Prohibited Sexual Conduct)
- c. No public notifications or notice to school superintendents are made on sexual offenders that are juveniles or that were convicted as a juvenile offender.

**E. COMPLIANCE VERIFICATION**

1. A person subject to registration under Chapter 62, Texas Code of Criminal Procedures, who has for a sexually violent offense been convicted two or more times, received an order of deferred adjudication two or more times, or been convicted and received an order of deferred adjudication shall report to the local law enforcement authority designated as the person's primary registration authority by the department not less than once in each ninety (90) day period following the date the person first registered under this chapter to verify the information in the registration form maintained by the authority for that person. A person complies with a requirement that the person register within a ninety (90) day period following a date if the person registers at any time on or after the eighty-third (83<sup>rd</sup>) day following that date but before the ninety-eighth (98<sup>th</sup>) day after that date.
2. A person subject to registration under Chapter 62, Texas Code of Criminal Procedures, who is not subject to the ninety (90) day reporting requirement shall report to the local law enforcement authority designated as the person's primary registration authority by the department once each year not earlier than the thirtieth (30<sup>th</sup>) day before and not later than the thirtieth (30<sup>th</sup>) day after the anniversary of the person's date of birth to verify the information in the registration form maintained by the authority for that person.
3. The investigator assigned to sex offender registration at least once a year, will conduct a residential check of every sex offender registered with the department. The residential check will consist of verifying the following:
  - a. the offender still lives at the listed residence; and
  - b. the offender's employment, phone number(s), vehicle(s) and vehicle license plate(s) are correct
4. If the investigator conducts a residential check and the offender is not at home but contact is made with another resident at the location, the investigator should at least verify if the offender is still living at the residence. If the offender still lives at the residence or does not get an answer at the residence, the investigator will have to conduct another residential check to verify the other information.
5. If the investigator conducts a residential check and is able to verify the offender does not live at the registered address, the investigator will need to determine the status of the offender.

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6. If the investigator determines the offender has absconded, the investigator will obtain an offense/incident report number and complete an at large case to be filed with the District Attorney's Office. The investigator will update the Texas Department of Public Safety Sex Offender Registration Database online listing the offender's status as absconded, as well as update the Sex Offender Module in the department's Records Management System and change his status to absconded.
7. If the investigator determines the offender is incarcerated, the investigator will determine where the offender is located (TDCJ, Dallas County Jail, etc.). The investigator will update the Texas Department of Public Safety Sex Offender Registration Database online listing the offender's status as incarcerated, as well as update the Sex Offender Module in the department's Records Management System and change his status to incarcerated.
8. If the investigator determines the offender is deceased, the investigator will obtain all paperwork required by the Texas Department of Public Safety to have the offender removed from the database. The investigator will update the Sex Offender Module in the department's Records Management System and list the offender as deceased. The investigator will move the paper file on the offender from the active section to the closed section.
9. The investigator assigned to sex offender registration will complete all case paper work involving non-compliance and absconded sex offenders.

**F. SCOPE OF RESPONSIBILITY**

1. All members of the department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.