

Germantown Police Department
Policies and Procedures

Number: 3-6
Effective Date: November 22, 2010
Subject: Sex Offender Registration and Sex Offender Detection
Previous Revisions:

I. PURPOSE

The Tennessee Sexual Offender Registration, Verification, and Tracking Act of 2004, T.C.A. 40-39-206, states that all persons who meet the definition of a sexual offender or violent sexual offender and live, work, or attend school in Tennessee must register with the appropriate law enforcement agency in which they live, work, or attend school.

The purpose of this policy is to provide officers with guidelines regarding the procedures to be followed in sex offender registrations and to guarantee that any sex offender that shows a physical presence in the City of Germantown will be registered according to the guidelines set by the State of Tennessee. No offender will be turned away regardless of the date or time in which they arrive for registration nor the length of their stay in Germantown. In addition, this policy establishes a proactive approach to detection of registered and unregistered sex offenders in prohibited areas.

II. POLICY

It is the policy of the Germantown Police Department for all officers handling sex offender registrations to act in a professional manner and in accordance with state law and established departmental procedures.

III. DEFINITIONS

- A. Sex Offender** - person convicted of committing a sexual offense as defined in T.C.A. 40-39-202(17) or who has another qualifying conviction as defined in T.C.A. 40-39-202(2).
- B. Violent Sex Offender** - person convicted of committing a sexual offense as defined by T.C.A. 40-39-202(25) or who has another qualifying conviction as defined in T.C.A. 40-39-202(2).

IV. PROGRAM REQUIREMENTS

- A.** Offenders must physically appear at the Germantown Police Department to register.
- B.** Non-violent sex offenders must report annually within 7 days before or after their birthday.
- C.** Violent sex offenders must register quarterly during the months of March, June, September, and December.
- D.** Offenders must report within 48 hours when they change address, employment, or school information. (*48 hours does not include Saturday, Sunday, or federal and state holidays*).
- E.** Non-violent sex offenders shall pay a \$150 administration fee to the City of Germantown when they register annually. Sex Offenders who are on a registry in another state but are visiting or passing through Germantown are not required to pay the registration fee.
- F.** Violent sex offenders shall pay a \$150 administration fee to the City of Germantown once a year during their first quarterly meeting.
- G.** Failure to comply with program requirements will constitute grounds to revoke probation, parole, and any alternatives to incarceration.

V. PROCEDURES

When a sex offender reports to the Germantown Police Department, the procedures listed below will be followed.

- A.** When a sex offender reports to the Germantown Police Department during regular business hours, an on duty detective will be contacted to register the offender.
 - 1. All classification folders will be uniform: blue for non-violent offenders, red for violent offenders, orange for intelligence information, and black for in-active offenders.
 - 2. All classification folders shall include: page 1 - photo and fingerprints of the offender, page 2 - criminal history printout, page 3 – offender information, page 4 - TBI information, pages 5 and 6 – registration update forms.
 - 3. A digital photograph will be made of the offender and uploaded to the TBI sex offender registry web site.
 - 4. Fingerprints of the sex offender will be taken on a ten print card.
 - 5. A criminal history check will be conducted.
 - 6. A photo of the offender will be made along with a copy of their driver’s license, and the photo and driver’s license copy will be placed in the offender’s folder.

7. The offender must sign the TBI Registration form. The original forms will be placed in the offender's folder, and the sex offender will be given a copy of the forms.
 8. A sample of the offender's DNA will be collected and forwarded to TBI for entry into CODIS.
- B.** When a sex offender reports to the Germantown Police Department after normal business hours in order to complete their registration the steps listed below should be followed.
1. The on duty Communications Supervisor should contact the Uniform Patrol Shift Supervisor.
 2. A police officer shall proceed to the Communications Center to interview the sex offender and to complete the TBI registration form. This form is located in the Communications Center.
 3. The police officer will give the sex offender a copy of the TBI instruction sheet. This form is located in the Communications Center.
 4. The sex offender must fully disclose information to complete the TBI registration form. The police officers should attempt to confirm the information the sex offender provides.
 5. The police officer will complete the entire form with the information provided by the offender and the criminal history check through the Communications Center. (Example: a driver's license or warrant check through NCIC will provide the officer with the state where the offender is currently registered, and a criminal history/III will provide the officer with the offense in which the sex offender was convicted).
 6. The dispatcher/jailer will photograph the offender with a digital camera and will fingerprint the sex offender using a (ten print card).
 7. The police officer shall use a sex offender DNA collection kit to collect a DNA swab sample from the offender. If this kit is not available, use another available DNA collection kit.
 8. All documents and the DNA sample shall be entered into the Property/Evidence Room.
- C.** The Investigations Division shall maintain and update sexual offender files in the above manner.

V. SEX OFFENDER DETECTION

As set forth in the "Purpose" provision of this Police and Procedure, the Germantown Police Department takes a proactive approach in the detection of registered and unregistered sex offenders.

- A. T.C.A. 40-39-211. Establishment of residence or acceptance of employment; violations.** Outlines locations where sex offenders as defined in this Policy and Procedure are prohibited being present.

B. Germantown Police Department shall follow up after a sex offender or violent sex offender (hereinafter referred to as offender) registers to determine if his employment and primary or second residence is within 1,000 feet of a property line of any public school, private or parochial school, licensed daycare center, other childcare facility, public park, playground, recreational center, or public athletic field used by the general public. Also, Germantown Police Department personnel will determine the location of victim(s) residence of the registered offender whether the victim(s) attend school or is employed in the corporate limits of Germantown. If so, the victim(s) will be advised that the offender is registered in this jurisdiction and further the Germantown Police Department personnel shall determine if the offender works or resides within 1,000 feet of the property line on which the offender's victim(s) or the victim's immediate family members reside.

VI. REVIEW PROCESS

An annual review of this policy will be conducted to determine if it should be revised, cancelled or continued in its present form.

This policy shall remain in effect until revoked or superseded by competent authority.