



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 43.8

TITLE: REGISTERED OFFENDER INFORMATION

EFFECTIVE: 12/10/2017

REVISED: Replaces Policy 356

PURPOSE

This policy establishes guidelines by which the New Orleans Police Department will address the requirements associated with sex offenders, sexually violent predators and child predators who are residing, working or going to school in the City of New Orleans and how the Department will disseminate information and respond to public inquiries for information about sex offenders, sexually violent predators and child predators.

POLICY STATEMENT

1. It is the policy of the New Orleans Police Department to register, identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose (R.S. 15:540).

DEFINITIONS:

Definitions relevant to this Chapter include:

Child Predator—A person who has been convicted of a criminal offense against a victim who is a minor or a conviction for the perpetration or attempted perpetration of or conspiracy to commit any of the following offenses:

- (a) A violation of R.S. 14:44, 44.1, 44.2, 45, 45.1, 46, or 46.1 when the victim is under eighteen years of age and the defendant is not the parent of the victim.
- (b) A violation of any of the following provisions when the victim is under eighteen years of age: R.S. 14:84(1), (3), (5), or (6), or 86, or R.S. 23:251(A)(4).
- (c) A violation of R.S. 14:46.2 when the victim is under twenty-one years of age.
- (d) A violation of R.S. 14:83, 83.1, 83.2, or 282 when the prostitution involves persons under the age of eighteen years.
- (e) A felony violation of R.S. 14:40.2, punishable by imprisonment at hard labor, when the victim is under the age of eighteen, unless either of the following are applicable:
 - i. The defendant is the parent of the victim.
 - ii. The defendant is not more than four years older than the victim and is convicted under Subparagraph R.S. 14:40.2(B) (1) (b).
- (f) Any conviction for an offense under the laws of another state, or military, territorial, foreign, tribal, or federal law which is equivalent to the offenses listed in Subparagraphs (a) through (e) of this paragraph.

Child Sexual Predator—A person who has been convicted of a sex offense as defined in R.S. 15:541 and who is likely to engage in additional sex offenses against children, because he has a mental abnormality or condition which can be verified by a physician or psychologist, or because he has a history of committing crimes, wrongs, or acts involving sexually assaultive behavior or acts which indicate a lustful disposition toward children, as determined by the court upon receipt and review of relevant information including the recommendation by the sex offender assessment panel as provided for by law.

Residence—A dwelling where an offender regularly resides, regardless of the number of days or nights spent there. For those offenders who lack a fixed abode or dwelling, "residence" shall include the area or place where the offender habitually lives, including but not limited to a rural area with no address or a shelter.

Sexually Violent Predator—A person who has been convicted of a sex offense as defined in RS 15:541, Paragraph 24, and who has a mental abnormality or anti-social personality disorder that makes the person likely to engage in predatory sexually violent offenses as determined by the sentencing court upon receipt and review of relevant information including the recommendation of the sexual predator commission.

REGISTRATION

2. The New Orleans Police Department shall register sex offenders and child predators in accordance with R.S. 15:542 and ensure compliance with all community notifications, as indicated in R.S. 15:542.1.
3. In addition to the registration and notifications, the New Orleans Police Department shall be responsible for updating the state registry regarding a sex offender or child predator's in-person periodic renewal of registration (annual, semi-annual or quarterly, as dictated by R.S. 15:542.1.1).
4. The New Orleans Police Department shall also be responsible for updating registry information pertaining to changes in residence, employment, school, volunteer work, e-mail addresses, telephone numbers, vehicles or any other information previously provided via registration (R.S. 15:542.1.2).
5. The New Orleans Police Department shall register sex offenders and child predators for the registration period as established in R.S. 15:544 for Louisiana sex offense convictions, or the period established in accordance to R.S. 15:542.1.3 for out-of-state sex offense convictions. The registration periods are as follows (R.S. 15:541):
 - (a) Tier I sex offenders register for 15 years.
 - (b) Tier II sex offenders register for 25 years.
 - (c) Tier III sex offenders must register for life.
6. Upon conclusion of the registration process, the registration information shall be electronically forwarded to the Louisiana State Police Bureau of Criminal Identification and Information in accordance with state law (R.S. 15:542(E)).
7. The failure to comply with the sex offender registration requirements as provided above or the falsifying of registration information shall require the Special Victims Section commander to initiate a criminal investigation for failure to register (R.S. 15:542.1.4).

REGISTRATION, SPECIAL VICTIMS SECTION

8. The New Orleans Police Department's Special Victims Section shall establish a process to reasonably accommodate registration of sex offenders and child predators.

9. The Special Victims Section commander shall also ensure that all Sex Offender and Child Predator Registration Protocols set forth by the Louisiana State Police regarding the proper registering and entering of information into the state registry is adhered to.
10. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community.
11. Employees assigned to register offenders should receive appropriate training regarding the registration process.

MONITORING OF REGISTERED OFFENDERS

12. The Special Victims Section commander should establish a system to periodically, and at least once annually, physically verify that a sex offender registrant remains in compliance with his/her registration requirements after the initial registration by conducting compliance checks at the offender's last registered address.
13. Efforts to confirm residence should include a compliance check at the offender's last registered address without prior notice to the offender.
14. Additional efforts may include contact with a registrant's parole or probation officer, Internet searches, criminal history searches or any other computerized search available to the New Orleans Police Department.
15. Any discrepancies should be reported to the Special Victims Section, Sex Offender Registration Office.

DISSEMINATION OF PUBLIC INFORMATION

16. Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community.
17. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor.
18. The supervisor should evaluate the request and forward the information to his/her Deputy Chief if warranted.
19. A determination will be made by the Deputy Chief, with the assistance of legal counsel from the City Attorney's Office as necessary, whether such a public alert should be made.
20. Members of the public requesting information on registrants shall be directed to and provided the Louisiana State Police Website (www.lsp.org) and the National Sex Offender Public Website (www.nsopw.gov).

MANDATORY DISSEMINATION

21. The Department shall release relevant and necessary information regarding sex offenders, child predators and sexually violent predators to the public when the release of the information is necessary for public protection (R.S. 15:546(A)).

DISCRETIONARY DISSEMINATIONS

22. The Department may order that the notice provided by certain offenders be published in a newspaper and disseminated to the public (R.S. 15:542.1(A) (2) (c)).
23. Dissemination of information contained in criminal records shall be in accordance with state law (R.S. 15:548).