

**NEW SMYRNA BEACH POLICE DEPARTMENT
NEW SMYRNA BEACH, FLORIDA**

POLICY AND PROCEDURE DIRECTIVE

TITLE: SEXUAL OFFENDER/PREDATOR VERIFICATION PROGRAM

NUMBER: 15-17

EFFECTIVE: 03/16

REFERENCE: [VOLUSIA COUNTY MOU](#)

RESCINDS/ AMENDS: 8-7-12

REVISED: 05/23

ATTACHMENTS: [PREDATOROFFENDER REFERRAL LOG.pdf](#)
[ADDRESS VERIFICATION AFFIDAVIT.pdf](#)
[VERIFICATION GUIDELINES.pdf](#)
[NOTICE OF REPORTING REQUIREMENTS.pdf](#)
[SEX OFFENDER PREDATOR CONTACT LOG.xls](#)
[SEC. 54-4. SEXUAL OFFENDER RESIDENCY RESTRICTIONS.pdf](#)

A. PURPOSE

The purpose of this written directive is to establish standard operating procedures and delineate responsibilities for the Department's Sexual Offender/Predator Verification Program.

B. DISCUSSION

The Sexual Offender Verification Program is a cooperative effort between the Department's Operations Division and Criminal Investigations Unit (CIU). In conjunction with the Florida Department of Law Enforcement (FDLE) and the Volusia Sheriff's Office (VSO), CIU will identify offenders/predators residing within the city and disseminate this information to the Operations Division on a continuing basis.

Patrol officers will confirm the address of sexual offenders/predators on a monthly basis and document the contact information on the Address Verification Affidavit. Absconder's registration violations of a routine nature and an offender's refusal to cooperate in the address verification process shall be forwarded to the CIU for follow-up investigation and/or referral to the appropriate agency.

Predators and or offenders presenting themselves to the agency for registration shall be referred to the appropriate agency. The referral shall be documented on the Predator/Offender Referral Log.

C. POLICY

It is the policy of the New Smyrna Beach Police Department (NSBPD) to verify the registered address of sex offenders/predators and to identify absconders as early as possible so that investigators may initiate immediate actions to alert law enforcement and locate the absconder as quickly as possible.

It is not intended to supplant the statutory authority/obligation of any law enforcement agency that has primary responsibility for the registration, investigation, and prosecution of registered sex offenders or predators for violations of law.

D. PROCEDURE

15.17.1 Generally, monitoring responsibility for each sex offender/predator will be assigned to a different officer. If the Officer has difficulty making contact due to the offender's work schedule or other circumstance, a different officer will be assigned to the offender/predator. The officer will be responsible for contacting the assigned sex offender at least one time during each month.

1. To be most effective and to avoid predictability, the officer should schedule the contact on different days and times of each month.
2. Officers will only conduct address verifications at or prior to 2200 hours unless previously approved by their supervisor.
3. The Detective who is assigned the ancillary duty of the sex offender program designates program officers and their offender assignment.

15.17.2 Initially, officers will receive an address verification packet from the CIU Sergeant or designee that will consist of:

1. Notice of Reporting Requirements for Registered Sexual Predator/Offender, one original, and one photocopy;
2. Address Verification Affidavit CIU will furnish additional verification forms to officers;
3. Address Verification Disposition Guidelines;
4. Sexual Predator/Offender record will include a dated photograph, parole, probation, community control, or other release status, physical description, offense, and registered address. The packet also includes a "Contact Log" which is attached to the inside flap of the Offender's file packet.

15.17.3 Officers will notify Central, or self-initiate the call on the MCT, advising of a Sexual Offender check and a location, whenever they are going to an address for verification.

1. Before proceeding to an offender's address, the officer should complete a warrant check (FCIC/NCIC and CJIS). If there is an active warrant, confirmation should be made and the subject taken into custody.

15.17.4 Upon initial contact with assigned offender, the officer will:

1. Provide the offender with the original Notice of Reporting Requirements for Registered Sexual Predators/Offenders. (The form explains the purpose of the local initiative and the predators/offenders continued obligation under Florida law).
2. Ask the offender to sign the original document, retain the same, and provide him or her with the photocopied document for their personal records.
3. The predator/offender is only required to sign this form on the initial (introductory) visit.
4. Have the predator/offender sign the Address Verification Affidavit in the appropriate block. Note significant changes in personal appearance or other personal identifiers in the appropriate Officer's Comments section.
5. Record the computer generated event number on the completed report.
6. Advise the predator/offender that you will periodically confirm their address through personal visits to the residence.
7. Submit the completed forms to the Sex Offender locked mailbox.

15.17.5 Upon initial contact, officers will take the following photographs of each offender:

1. A close-up photo of the offender's face;

2. A photograph of each identifiable scar/mark/tattoo;
3. Photographs of every vehicle owned by or accessible to the offender (all four sides and license plate);
4. A photograph of the front of the offender's/predator's residence;
5. Download the photographs in accordance with current Evidence.com photo procedures.

15.17.6 If, after repeated attempts, an officer is not able to make initial contact with a predator/offender (subject), or the officer learns that the subject has moved, or the subject refuses to cooperate, the officer will document the specific occurrence on the Address Verification Affidavit and in the CAD notes. The officer will forward the affidavit to CIU in person immediately, or if after hours, via the Sex Offender lockbox.

15.17.7 Attempted contacts are noted in CAD notes, along with any change of personal information. Officers are to include the date and time of each contact/attempted contact in the "Contact Log" which is in the offenders file.

E. SUBSEQUENT CONTACTS - PREDATOR/ OFFENDER IS PRESENT

15.17.8 Subsequent contacts are those that occur after the initial (introductory) contact with the predator/offender and shall occur as follows:

1. Officers shall notify Central, or self-initiate the call on the MCT, advising of a Sexual Offender check and the location, whenever they are going to an address for verification;
2. Before proceeding to an offender's address, the officer should complete a warrant check (FCIC/NCIC and CJIS). If there is an active warrant, proceed as directed by a supervisor;
3. Upon making contact with the predator/offender, the officer should explain that they are present to verify the address of the subject;
4. The officer will ask the predator/offender for their Florida Driver's License/ID card to verify their identity and to check that the license/ID is current and has the proper markings per [FSS 322.141](#);
5. The officer will ask the predator/offender to sign the Address Verification Affidavit at the appropriate location on the form;
6. The officer making contact with the offender should photograph the offender whenever the offender's appearance changes. The photographs will be downloaded in accordance with current [Evidence.com](#) photo procedures;
7. If the offender's residence or vehicle changes, additional photographs should be taken and downloaded;
8. Note significant changes in personal appearance, personal identifiers or behavior in the appropriate block or narrative space;
9. Record the computer generated case/event number on the completed report;
10. Submit the completed forms to the Sex Offender lockbox.

F. SUBSEQUENT VISIT - UNABLE TO CONTACT

15.17.9 If the predator/offender is not residing at the residence any longer:

1. Have the current resident, relative, landlord, or management representative complete the appropriate information on the Address Verification Affidavit;
2. Check the appropriate boxes on the Address Verification and complete the required information as needed;
3. Document the contact in CAD and record the case/event number on the verification form.
4. Submit the completed form to CIU via the designated lockbox.

15.17.10 If no one is at the residence, make a follow-up attempt to contact someone at the residence or a neighbor prior to the end of the month.

1. If no contact is made, document the event in CAD and record the case/event number on the Contact Log
2. If contact is made with a neighbor, complete the Address Verification Affidavit and return the completed

form to the Sex Offender lockbox.

15.17.11 Officers will interview neighbors to verify the predators/offenders residence. Supplemental investigation is the responsibility of CIU.

G. REFUSAL TO COOPERATE

15.17.12 Refusals to cooperate by any predator/offender or any person sharing a residence with a predator/offender or landlord will be documented on the Address Verification form and CAD and forwarded to CIU for investigation and/or referral to another agency.

15.17.13 Statutory violations of law occurring in the presence of the officer shall be acted upon appropriately. If an arrest is made, complete the proper boxes on the Address Verification form and forward the report along with a copy of the charging document to CIU.

H. PATROL RESPONSIBILITY

15.17.14 Patrol officers have the responsibility to become familiar with predators/offenders that reside within their respective zones. Familiarization may occur by:

1. Predator/offender information may be accessed by computer by any officer at any time;
2. Predator/offender identification information may be requested from a patrol supervisor or through CIU.

15.17.15 The CIU designated Detective is responsible for community notification in accordance with [FSS 775.21\(7\) \(a\)](#).

15.17.16 If a sex crime/offense occurs within the general vicinity of a registered predator/offender, it may be appropriate for an officer to respond to the residence to verify that the subject is at their residence, work, or some other verifiable location. Such a response would be dictated by the nature of the offense, physical description of a suspect, or at the direction of a supervisor or an investigator.

I. CRIMINAL INVESTIGATIONS RESPONSIBILITY

CIU is primarily responsible for the investigation and/or referral of predator/offender residency violations. Registration and absconder violations remain the venue of those agencies that are charged by law with such responsibility.

15.17.17 CIU shall have the following responsibilities for the Sexual Offender Verification Program:

1. Identification and maintenance of a current listing of the addresses and status of predators/offenders residing within the City of New Smyrna Beach;
2. Preparation of Address Verification packets for officer assignment through the Patrol Division Commanding Officer;
3. Follow-up investigation or referral of program violations that have not resulted in an arrest by an assigned officer;
4. Maintenance of Address Verification forms;
5. Timely updates that include the number of predators/offenders that are being monitored, addresses, and status to the Chief of Police and Command Staff;
6. Maintain a system to ensure that Address Verification forms are completed on schedule and to alert the Operations Division Commanding Officer when verification forms are not completed or submitted on schedule, to be done monthly;
7. Log law enforcement activity, including all contacts with those sexual predators and sexual offenders, in the

OffenderWatch® database provided for that purpose. These log records will perpetuate the record of activity no matter where the sexual predator or sexual offender moves;

8. Provide a completed and notarized Address Verification Statement to the VSO Career Criminal Unit when a sexual predator or sexual offender is not verified at the address of record.

J. NSB CITY ORDINANCE 51-19 / RESIDENCY RESTRICTION

15.17.18 For “Residency Restriction” guidelines, NSBPD shall follow [Ordinance 51-19, Code of Ordinance, Chapter 54, Section 54-4\(b\)](#), in part states:

“Residency restriction. It is unlawful for any person who has been convicted of a violation of F.S. §§ 794.011 (sexual battery), 800.04 (lewd and lascivious acts on/in presence of persons under age 16), 827.071 (sexual performance by a child), 847.0135(5) (sexual acts transmitted over computer) or 847.0145 (selling or buying of minors for portrayal in sexually explicit conduct), as amended, or any similar law in this or any other jurisdiction, regardless of date of adjudication, in which the victim or apparent victim of the offense was less than 16 years of age, to reside within 2,500 feet of any child care facility, park, playground, or school.”

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**Approved: Signature on File
Interim Chief Eric Feldman**