



REGISTERED SEX OFFENDER ENTRY ONTO SCHOOL OR LICENCED/REGISTERED DAY CARE PROPERTY

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I. BACKGROUND

The Annotated Code of Maryland, Criminal Procedure Article, Title 11, Subtitle 722 prohibits registrants from knowingly entering onto real property that is used for public or nonpublic elementary or secondary education; or real property where there is located a family child care home, child care home, or child care institution registered or licensed under Title 5, Subtitle 5 of the Family Law Article; and homes where informal child care, as defined in child care subsidy regulations adopted under Title 13A of the Code of Maryland Regulations, is being provided or will be provided to a child who does not reside there.

This section of the law does not apply to a registrant who is a student or if the registrant's child is a student or receives child care, if: 1) Within the last year the registrant has been given specific written permission of the Superintendent of Schools, the local school board, the principal of the school, or the owner or operator of the registered family day care home, licensed child care home, or licensed child care institution, as applicable; and the registrant promptly notifies an agent or employee of the school, home, or institution of the registrant's presence and purpose of visit; or 2) For the purpose of voting at a school on an election day in the State if the registrant is properly registered to vote and the registrant's polling place is at the school.

In addition, the law prohibits a person who enters into a contract with a county board of education or a nonpublic school from knowingly employing an individual to work at a school if the individual is a registrant.

A person who violates this section of the law is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

II. POLICY

The policy of the Anne Arundel County Police Department shall be to aggressively enforce all laws regarding registered sex offenders by conducting immediate investigations in response to reports of suspected registered sex offenders entering onto the real property of schools or licensed/registered child care facilities in violation of the Annotated Code of Maryland, Criminal Procedure Article, Title 11, Subtitle 722. Registered Sex Offenders found in violation of the law will be charged via an Application for Statement of Charges.

III. PURPOSE

The purpose of this policy is to provide specific and consistent guidelines for the Department's response to complaints of suspected registered sex offenders entering onto the real property of schools and licensed/registered

child care facilities in violation of the Annotated Code of Maryland, Criminal Procedure Article, Title 11, Subtitle 722.

IV. OFFICER RESPONSIBILITIES

- A. Any officer dispatched to a complaint regarding a suspected registered sex offender entering onto the real property of any school or licensed/registered child care facility shall immediately respond and initiate an investigation.
- B. Upon arriving at the school or licensed/registered child care facility, the investigating officer will use all lawful methods to verify the identity of the suspected registered sex offender, including identifying the jurisdiction in which the suspected registered sex offender is supposed to be registered; and the source of information used to identify the subject as a suspected registered sex offender.
- C. If reasonable suspicion exists to believe that the suspected registered sex offender is committing a violation, officers may detain the subject for a reasonable amount of time while conducting their on-scene investigation. As part of the on-scene investigation, the investigating officer will check to see if the suspected sex offender has any open warrants.
- D. The investigating officer will remain cognizant of the fact that there are numerous sources of information regarding registered sex offenders, and there are no common standards as to what and how much identifying information is made available through the various sources. Well meaning complainants may call to report a registered sex offender violation based on only a common name obtained through one of many web sites or other sources of information. Because of these “false positives”, investigating officers should remain courteous and discrete, and should be aware of the embarrassment and anger an innocent person could experience during the investigative process. However, officers should never compromise officer safety.
- E. If the investigating officer determines the subject is not a registered sex offender, the officer will advise the complainant and no further action is necessary.
- F. If the investigating officer determines the subject is a registered sex offender, or cannot determine the subject’s status, the investigating officer will contact the Criminal Investigation Division (CID), Sex Offense Unit, Sex Offender Registry Squad for guidance prior to taking any further law enforcement action. If the Sex Offense Unit supervisor or a Sex Offender Registry Squad detective is not available, the patrol supervisor will contact the on-call CID supervisor. Investigating officers will not make a warrantless arrest or make an application for a statement of charges related to a registered sex offender violation. This does not prohibit the investigating officer from making an arrest if probable cause exists that another crime has been committed (other than the registered sex offender violation).
- G. If, after contacting the Sex Offense Unit supervisor or a Sex Offender Registry Squad detective, it can not be determined if the subject of the investigation is a registered sex offender, the investigating officer will deny the subject further access to the school or licensed/registered child care facility, and will ensure the subject promptly departs the school or licensed/registered child care property. The investigating officer will complete a “Sex Offender **Registry Violation**” **Offense/Incident Report**.

CRIMINAL INVESTIGATION DIVISION RESPONSIBILITIES

- A. Upon notification, the Sex Offense Unit supervisor, or a Sex Offender Registry Squad detective will immediately contact the investigating officer on the scene of the suspected registered sex offender violation.
- B. The Sex Offense Unit supervisor, or a Sex Offender Registry Squad detective will obtain the details surrounding the incident being investigated. Sources of information available to the Sex Offender Registry Squad, including OffenderWatch and the Maryland On-Line Sex Offender Registry, will be checked. The Sex Offense Unit supervisor, or a Sex Offender Registry Squad detective, will advise the investigating officer how to proceed based on available information.

- C. If further investigation is required, the Sex Offense Unit supervisor or a Sex Offender Registry Squad detective will advise the investigating officer to **complete a “Sex Offender Registry Violation Offense/Incident Report.”**
- D. The Sex Offense Unit supervisor will assign all cases requiring follow-up investigations to a Sex Offender Registry Squad detective.
- E. If the suspected incident occurred on the real property of an Anne Arundel County Public School, the school security office of the Anne Arundel County Board of Education shall be notified of the disposition of the incident.

V. ANNE ARUNDEL COUNTY PUBLIC SCHOOLS – “V-SOFT” ALERTS

- A. Visitor Student Or Faculty Tracking (“V-SOFT”) is a web based software system developed by Raptor Technologies and is being used by the Anne Arundel County Public Schools to track visitors. Visitors to schools equipped with V-SOFT are required to present a driver’s license or other government identification upon entering the school. The information is entered into the V-SOFT system and the visitor’s first name, last name, and date of birth are recorded.
- B. The V-SOFT system uses the recorded information to query a variety of registered sex offender databases. Because each state has differing methodologies for publishing registered sex offender information in their databases, “false positive” alerts frequently occur, particularly with common names. Anne Arundel County Public School V-SOFT operators have been trained to compare the visitor’s photograph and/or appearance against the database photograph, and to look for other descriptive information, such as the visitor’s middle initial.
- C. If a V-SOFT alert cannot be refuted, and more specifically when it is apparent the visitor is the same person shown in the V-SOFT registered sex offender alert, school officials have been instructed to deny the visitor entry and to contact the police. Responding officers will follow the policy and procedures outlined in this Index Code when responding to schools in reference to V-SOFT alerts.

VI. REPORTING REQUIREMENTS

- A. If the on-scene investigation cannot determine if the subject is a registered sex offender, or if further investigation is required, the investigating officer will complete a **“Sex Offender Registry Violation Offense/Incident Report.”**
- B. All ***Sex Offender Registry Violation Offense/Incident*** reports, including those requiring further investigation, should include the following information:
 - 1. Who identified the suspected registered sex offender?
 - 2. Was the suspected registered sex offender still on the scene, or gone on arrival?
 - 3. How far into or onto the property did the suspected registered sex offender go?
 - 4. What are the names of the school or child care employees who were involved in the incident?
 - 5. What type of identification was presented by the suspected registered sex offender?
 - 6. Did the suspected registered sex offender make any admissions to being a registered sex offender on school property?
 - 7. Does the suspected registered sex offender have any children at the school or child care facility in question?
 - 8. Why did the suspected registered sex offender come to the school or child care facility?

VII. PROPONENTS UNIT: CID Major Crimes Section & the School Safety Section.

VIII. CANCELLATION: This directive cancels Index Code 1003, dated ***03-19-19***.