

BLOOMINGTON POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

CHILD SEX OFFENDER NOTIFICATION LAW, SEX OFFENDER REGISTRATION, **AND OFFENDER CHECK INSTRUCTIONS**

Reviewed by: Officer Scott Sikora	Effective Date:
Authorized by: Chief Dan Donath	Revision Date: November 12, 2019

PURPOSE

The following will address the Child Sex Offender Notification Law and the Sex Offender Registration Act as they apply to the Bloomington Police Department. The Chief of the Bloomington Police Department has delegated this function to the Community Service Officer (CSO) and/or the police officer at the command tower. The Bloomington Police Department will maintain the current records of Registered Sex Offenders. Registration may be done in-person during the assigned business hours, 7:00am till 10:00pm, Monday through Friday, excluding City observed holidays. The on-duty shift supervisor may make exceptions to this rule.

INITIAL REGISTRATION OF A SEX OFFENDER

1. The registrant must provide positive identification and documentation that substantiates proof of residency at the registering address. Any offender who cannot provide current identification or proof of residency, will not be denied registration for this reason. In these cases, an initial registration of the offender will be completed and the offender's next registration date will be set seven days from the date of initial registration.

The offender will be instructed to bring the required items at the time of their next registration. 730 ILCS 150/6 provides that an offender may be required to report at other times to aid in verification of registration information and ensure compliance with their registration and restrictions.

2. After obtaining proper identification from the **Sex Offender Registration**, the Bloomington Police employee will conduct a records check to verify the identity of the sex offender registrant, ensure the sex offender is currently compliant in their requirements to register and that no outstanding warrants exist for the person. If the registrant has a LEADS number, complete a computer check on the LEADS number to verify current information regarding the registrant.
3. Run a criminal history check to accomplish the following:
 - a. Ensure the offender is required to register;
 - b. Determine the current status of the offender;
 - c. Obtain information required to complete the Sex Offender Registration Form;
 - d. Determine the exact age of the victim;

- e. Verify that the registrant's address is not within 500 feet of a school, park, playground, DCFS registered daycare or facility providing services directed exclusively toward persons under the age of 18 years of age unless the sex offender meets specified exemptions. This does not pertain to Juvenile Sex Offenders. **If an offender's address is found to be in violation of the 500' restriction, the CSO or Officer taking this information shall complete the offender's registration and advise the offender that their decision to reside and/or loiter in the restricted area will place them at risk of being arrested.**
4. Complete the Illinois State Police Sex Offender Registration Act Form which is provided by the Illinois State Police. The appropriate forms are located as part of the Offender Watch Program at the front desk of the Bloomington Police Department and can be completed by any CSO or desk officer. In the event a hard copy form is needed, it may also be located on the LEADS home page under the forms section.
5. Check to see if the offender has submitted DNA as required. Refer to DNA Collection Section for details.
6. Require the sex offender to read the registration form. If the offender is unable to read, the registration form will be read to the registrant.
7. Ensure the offender signs the information portion of the Sex Offender Registration Form and initials all of the rules as **outlined** on page two of the registration form.
8. Obtain a photograph of the registrant using a digital camera and a set of fingerprints on the department's livescan machine.
9. Give the sex offender a photocopy of the completed sex offender form.
10. Provide a copy of the Sex Offender Registration Form to Bloomington Police Department Dispatch Center and note any updates or changes, thus allowing the dispatcher to enter the information into LEADS. (The law requires this to be done by the registering agency within three days).
11. Notify BPD Records Division, via email, of any updates or changes to the offender's sex offender record. BPD Records Division will update EJS and submit changes including updated photographs to the Illinois State Police Sex Offender website.
12. Retain the original signed Sex Offender Registration Form(s) in a clear plastic sleeve, along with a copy of the offender's photograph and fingerprint information. The person completing the registration will file the offender's sex offender registration accordingly with the sex offender records maintained at the front desk.
13. The Records Division will disseminate the Sex Offender Registration Form and Illinois State Police Fingerprint Card according to the requirements set forth in the Sex Offender Registration Act.

14. The applicant shall pay the mandated registration fee outlined under 730 ILCS 150/3. The fee shall be \$100 for initial registration and \$100 per annual registration. This fee shall be paid at the front desk to the CSO or other authorized law enforcement personnel. The department shall provide the applicant with a receipt showing payment. The receipt shall include total payment and allocation for funds as follows: The State of Illinois (Illinois State Treasurer) \$65, and Offender Registration Fee (city) \$35. The fees collected will be distributed as follows: \$35 of the initial registration fee and \$35 of the annual renewal fee shall be retained by the registering agency and the remaining \$5 of the initial registration fee and the remaining \$5 of the annual renewal fee into the Sex Offender Management Board Fund, \$30 of the initial registration fee and \$30 of the annual renewal fee into the Sex Offender Registration Fund, and \$30 of the initial registration fee and \$30 of the annual renewal fee into the Attorney General Sex Offender Awareness, Training, and Education Fund.

Those individuals determined by the department to be indigent under the statute, may have the fee waived with a supervisor's approval. Persons who are not indigent, but unable to pay the fee at the time of their initial registration will be registered. Their next date for registration will be set seven days from the time of their initial registration. Fees will be paid at the time of their next registration.

Additional reporting requirements may be done no more than four times during a year per 730 ILCS 150/6. Offenders who fail to pay their fee after two appearances to register, initial and subsequent 7-day extension, will be referred to City Legal for collection. Referral to City Legal shall be done in writing, noting dates and times of registration, name of offender, birth date of offender, and last known address and telephone number for the offender.

Refer to Sex Offender Registering as Homeless within this SOP for further information.

15. Per 730 ILCS 152/121, it is the duty of the CSO or authorized law enforcement personnel registering a juvenile sex offender to ascertain from the juvenile sex offender whether the juvenile sex offender is enrolled in school. This information will be entered as part of the juvenile offender's registration. Upon completion of the registration, a copy of the juvenile offender's registration form will be supplied to the School Resource Officer (SRO).

It will be the responsibility of the most senior officer assigned to SRO duties to provide a copy of the sex offender registration form only to the principal or chief administrative officer of the school and any guidance counselor designated by the principal or chief administrative officer. The SRO shall advise the school officials that the sex offender registration form shall be kept separately from any and all school records maintained on behalf of the juvenile sex offender.

16. Upon each registration of any child sex offender, the CSO or sworn officer shall ask the offender to identify any minor children, who are not their own and who are currently residing in the home of the offender. The CSO or sworn officer will document the children's identities and submit this information as part of the registration using the BPD Sex Offender and VOAY LEADS Supplemental Reporting Form.

DCFS shall be contacted via their hotline and informed of minor children residing with the offender. The offender will also be notified that they have a duty to report any changes in residency of the children, or new residency of additional children, within 3 days as part of their registration requirement.

17. Under Illinois Statute, any offender currently assigned to supervision, parole, probation, or any type of supervised release shall produce a written copy of his parole/probation/release order and restrictions upon demand. This information will be placed with the offender's registration file in the LEADS folder under the offender's name.

OFFENDERS MOVING TO A DIFFERENT JURISDICTION

1. The offender will, in person, notify the CSO or desk officer of a change of address to a different jurisdiction.
2. The CSO or officer will complete the Sex Offender Registration form with their new address and have the registrant read and sign the form.
3. Dispatch will be given a copy of the Sex Offender Registration and note any updates or changes. Dispatch will enter the information into LEADS. Dispatch complete an add-on record to the registrant's Caution File indicating the date notified and the offender's new.
4. The CSO or officer will contact the agency with jurisdiction to inform them of the offender's intent to move and request a copy of the new registration form be faxed upon completion to 309-434-2845. When the form is received from the agency with jurisdiction, the record should be released to the new agency by requesting that Dispatch place the registrant into "Move Status".
5. The offender's file will be moved to the inactive files when confirmation is received from the agency having jurisdiction.

TEMPORARY RESIDENCE/TRAVEL

An offender who travels or resides at a temporary residence in excess of three days must report the travel or temporary residence. The offender must provide a written itinerary for travel which will include dates of travel, times of travel, the destination, and the route of travel. Have the offender sign and date this form. The CSO or officer will document this contact through a Sex Offender/VOAY LEADS supplemental reporting form and Dispatch will complete a LEADS add-on. The offender's itinerary will be filed in the offender's LEADS file.

SEX OFFENDER REGISTERING AS HOMELESS

1. The place of residence or temporary domicile is defined as any and all places where the sex offender resides for an aggregate period of time of three or more days during the calendar year. Any person required to register under this Article who lacks a fixed address or temporary domicile must in person, notify the agency of jurisdiction of their last known sex offender registration address within three days after ceasing to have a fixed residence. Any person who lacks a fixed residence must report weekly and in person all the locations where the person has stayed during the past seven days.
2. The following process will be followed when registering homeless:

- a. The offender will fill out and sign the homeless registration form.
- b. The original form, which provides their living locations, will be kept at the front desk with the original SOR form.
- c. Advise BPD Records Division of changes by email.
- d. The applicant shall pay the mandated registration fee outlined in 730 ILCS 150/3. This fee shall be paid at the front desk to the CSO or other authorized law enforcement personnel. The department shall provide the applicant with a receipt showing payment.
- e. Any offender claiming to be indigent under this statute and unable to pay the fee must meet all of the following requirements in order to have the fee waived:
 - i. The subject must be considered homeless under statute and registered as such;
 - ii. The subject must have no known form of income or employment;
 - iii. A shift commander or above must approve of the fee waiver, and note such approval in writing at the bottom of the applicant's registration form. The notation shall include the supervisor's name, employee number and the words "Fee Waived".

CONTACT WITH SEX OFFENDERS REQUIRED TO REGISTER

When a person who is required to register as a sex offender is run through LEADS, the system will identify them as a registered sex offender. LEADS will track the movement of sex offenders around the state when the offender registers and/or when an officer completes an add on entry in LEADS. The LEADS hit will indicate one of the following regarding the status of a sex offender:

1. Subject is in Compliance - An initial case report will not be needed.
2. Subject not in Compliance -
 - a. An initial case report must be generated documenting that the offender failed to register within three days but is no more than 30 days past their annual registration date.
 - b. A sex offender who is more than 30 days beyond their original annual registration date will be arrested.

CSO's or Police officers, who during the course of their duties, knowingly have contact with any sex offender, aside from sex offender registration, shall complete a BPD Sex Offender Registration Supplemental Reporting Form. Examples of such contact may include: complaints made against the offender in cases even if a police report was not completed, traffic stops, issuances of citation, etc.

The narrative of the supplemental reporting form shall describe in detail the type, reason, and outcome of the contact. This form shall be submitted to Dispatch so the a LEADS ADD ON can be completed. The Dispatcher entering the information shall then complete the lower portion of the form after completing the LEADS ADD ON. The Dispatcher shall date and sign the form and enter the ADD ON number. If the registrant is currently required to register with BPD, the original form shall be returned to the Front Desk CSO. The CSO will file this form in the sex offender's file.

If the sex offender is not currently required to register or does not register with BPD, the contact will be noted as previously outlined; however, the Sex Offender Registration Supplemental

Reporting Form will remain in the Dispatch Center and be filed with their normal business paperwork.

An initial case report shall also be generated in any instance where information or evidence suggests that an offender has violated restrictions outlined in state and/or federal statute, and in cases where their behavior violates terms of any parole, probation, and/or conditional release.

DNA COLLECTION - 730 ILCS 5/5-4-3, Public Act 97-0383:

Agencies must check with the DNA Indexing Laboratory to determine if the person has already provided DNA. The check can be completed by:

1. Using the lab's website: <http://fscwebsa.isp.state.il.us/DNAWEB/Search.aspx> ; or
2. Faxing a request to 217-786-6956; or
3. Calling 217-786-6160

The registering agency shall ensure that all offenders convicted after the dates outlined below, who are required to register under the SORA, shall submit DNA samples. DNA will be required as follows:

1. All adult offenders with a qualifying Illinois conviction, after July 1, 1990.
2. All juvenile offenders with a qualifying Illinois conviction date after January 1, 1997.
3. All offenders convicted of attempted qualified offenses before July 1, 1990 and are currently assigned to imprisonment, parole, probation, or conditional release as a result of the conviction.
4. All offenders committed as sexually violent persons.
5. Offenders charged with first degree murder and home invasion, as outlined by the Act.
6. All offenders who move to Illinois from another state but are no longer under supervision.

Offenders transferring to Illinois under the Interstate Compact Act for Adult Offenders clarifies that DNA is required to be on file for all transferees within 45 days. The offense from the other state no longer has to be a felony in Illinois. The Illinois Supervising Agency is responsible for ensuring DNA is on file in Illinois. This requirement shall also extend to offenders charged with first degree murder and home invasion as outlined by the Act.

Offenders found to have already submitted a DNA sample through prior court order, or court ordered supervision, within the State of Illinois, shall not be made to submit to a secondary collection.

DNA collection may require the collection of blood, saliva, or tissue. Failure to submit to DNA collection may constitute a felony under Section (i)(1) of the Act.

DNA collection will primarily be done through use of a buccal swab, unless other collection is found to be necessary. The swab shall be collected in a manner consistent with department policy and procedure. An EJS report will be generated to document the collection of the swab or specimen(s), that it was sent to the DNA Indexing Laboratory, and shall include a delivery confirmation number. Fingerprints will be collected via the livescan machine and will be submitted to the Illinois State Police.

The Illinois State Police will provide buccal swab collection kits through the contracted distributor, Tri-Tech Inc. Additional kits may be requested by faxing 910-457-0094 or calling 800-438-7884.

Additional collection kits may also be located by contacting the local Sheriff's Office, Probation Department or the DNA Indexing Laboratory to obtain collection kits.

PUBLIC ACCESS

The names, addresses, and offenses or adjudications of Child Sex Offenders registered within the jurisdiction of the Bloomington Police Department and verified through the LEADS will be open to inspection by the public from 8:00am to 5:00pm Monday through Friday.

The request to inspect the information may be made directly to the Bloomington Police Department Records Division, where the information will be made available.

1. Sex offender information must be made available for public inspection to any person, no later than 72 hours or three business days from the date of the request.
2. The request must be made in person, in writing, or by telephone.
3. The person making the inquiry shall be allowed access to copy the information.
4. BPD may charge a fee, but the fee may not exceed the actual cost of copying the information. An inquirer must be allowed to copy this information in their handwriting.
5. BPD may publish the photograph of sex offenders where any victim was 13 years of age or younger and who are required to register in the municipality or county under the Sex Offender Registration Act. This publication may include photographs of the offender, and distributed by way of newspaper, magazine, internet or on television.
6. BPD may make available the information on all sex offenders residing within any county.

BPD may place the information specified on the internet or in other media. Requested sex offender registration information may be produced using the report function of Offender Watch. If the original sex offender form is required, it will remain under the control of a BPD employee or supplied to the court by means of legal court order.

A fee of \$5.00 will be assessed for each request to photocopy registry information. This fee may be waived at the discretion of the shift commander only. Individuals requesting public access to the registry will be treated equally regardless of affiliation with any legal organization, entity or company.

Individuals can view registered Illinois Sex Offenders by visiting www.isp.state.il.us/sor/ or the associated BPD public website associated through Offender Watch.

DEPARTMENT CONTACT PERSON

The point of contact for the Bloomington Police Department concerning the *Child Sex Offender Community Notification Law* shall be designated by the Chief of Police. All files, mandatory notifications, and logs will be the responsibility of the employee designated with these job duties.

IMMUNITY

Notwithstanding any other provision of law to the contrary, any person who provides or fails to provide information relevant to the procedures set forth in this law (730 ILCS 152/130), shall not be liable in any civil or criminal action.

(This section is new to the SOP)

Sex Offender and VOAY Check Instructions

Officers are required to conduct a short, but accurate, investigation while completing each sex offender and Violent Offender Against Youth (VOAY) verification check.

1. To complete the verification check, the officer making the check will bring with them the following items:
 - a. A photocopy of the offender's most recent sex offender or VOAY registration paperwork,
 - b. One color copy of the offender's most recent registration from the IL Sex Offender or VOAY website. (This copy shall be used for the identification of the offender and shall not be handed out to the offender or any other citizen without the authorization of the officer's supervisor)

2. The law requires offenders to register any address where they temporarily reside throughout the year, e.g. girlfriend's house, boyfriend's house, or that of a family member, etc... Both primary and secondary addresses should be checked.
3. Officers shall verify that the information found on the official sex offender or VOAY registration form is up to date and accurate.

This includes the offender's address, phone number(s), employment, vehicle(s), school currently being attended, and computer information.

4. While on scene of the verification check, the officer will access the mobile Offenderwatch program in the squad. The officer will open the offender's information and open the Verification Cycle by pressing the update button. The officer will then select Address Verification under the cycle name drop down. Under the status drop down, the officer will pick the correct option. Under the address drop down the officer will pick the address verified.

The officer will make any notes related to the verification in the investigative notes section of the offender's page in Offenderwatch.

5. Once the check is done, a LEADS add-on form must be completed to document the details of the verification check. The LEADS add-on will be delivered to Dispatch, who will enter it into LEADS.

6. Any problems, special circumstance, or instance where the offender's registration information is found to be incorrect, shall be brought to the attention of the Sex Offender Unit and a Supervisor.

Due to information developed through checks or other means, a determination may be made that the offender may be subjected to a more intensive check. This check may include interviewing neighbors and/or other associates. It is within the purview and discretion of the Sex Offender Officer to canvass the offender's neighborhood and distribute Offender Watch informational fliers and/or printouts of publicly available information from the State Sex Offender website if deemed necessary.

An officer may attempt to gain consent to search the offender's residence if reasonable factors are developed during the contact that would lead the officer to believe that the offender is not in compliance and may be violating the terms of their registration. If circumstances warrant, an attempt may be made to gain consent to search electronic devices (cell phone, computer, tablets, etc.). Department policies covering this activity shall be followed beginning with the completion of a Consent to Search Digital Media form.

****attempting to conduct consensual searches of the offender's property shall not be done in the course of a routine check absent the development of articulable circumstances developed during the course of this Offender Check****

Persons Identified by the Illinois State Offender Registry as Sexual Predators and/or a Sexually Violent Person

1. Offenders who fall into this category will be subject to a more in-depth check in addition to the regular Sex Offender Registration Check.
2. This Offender Check shall be conducted by the Sex Offender Officer or, if work load necessitates, another officer with the authorization of the Sex Offender Officer's supervisor.
3. Officers conducting checks of offenders in this category shall, in addition to the regular Sex Offender Registration Check:
 - a. Conduct a neighborhood canvass which at a minimum should include interviewing the immediate neighbors of the Offender.
 - b. Interview other associates if deemed necessary
 - c. The officer may attempt to gain consent to search the offender's residence if reasonable factors are developed during the contact that would lead the officer to

believe that the offender is not in compliance and may be violating the terms of their registration. If circumstances warrant, an attempt may be made to gain consent to search electronic devices (cell phone, computer, tablets, etc). Department policies covering this activity shall be followed beginning with the completion of a Consent to Search Digital Media form.

- d. It is within the purview and discretion of the Sex Offender Officer to canvass the offender's neighborhood and distribute Offender Watch informational fliers and/or printouts of publicly available information from the State Sex Offender website if deemed necessary.**