
Registered Sex Offender Information

315.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Montgomery County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction, and how the Office will disseminate information and respond to public inquiries for information about registered offenders.

315.2 POLICY

It is the policy of the Montgomery County Sheriff's Office to identify and monitor registered offenders living within this jurisdiction and to take steps to address the risks those persons may pose.

315.3 REGISTRATION

The sex offender registration section shall maintain a process to reasonably accommodate registration of offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should consult with the registration section in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the sex offender registration unit shall ensure that the registration information is provided to the North Carolina Department of Public Safety.

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

315.3.1 CONTENTS OF REGISTRATION

The sex offender registration section shall ensure that this office maintains a sufficient supply of the registration forms issued by the Department of Public Safety. The registration form shall require:

- (a) The person's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, driver license number and home address.
- (b) A statement indicating what the person's name was at the time of the conviction for the offense that requires registration; what alias, if any, the person was using at the time of the conviction for that offense; and the name of the person as it appears on the judgment imposing the sentence.
- (c) The type of offense for which the person was convicted, the date of conviction and the sentence imposed.

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- (d) A current photograph, which shall be taken by this office, without charge, at the time of registration.
- (e) The person's fingerprints, which shall be taken by this office, without charge, at the time of registration.
- (f) A statement indicating whether the person is a student or expects to enroll as a student within a year of registering.
 - 1. If the person is a student or expects to enroll as a student within a year of registration, then the registration form shall also require the name and address of the educational institution at which the person is a student or expects to enroll.
- (g) A statement indicating whether the person is employed or expects to be employed at an institution of higher education within a year of registering.
 - 1. If the person is employed or expects to be employed at an institution of higher education within a year of registration, then the registration form shall also require the name and address of the educational institution at which the person is or expects to be employed.
- (h) Any online identifier that the person uses or intends to use.

315.4 MONITORING OF REGISTERED OFFENDERS

Independent of the required verification of information, the sex offender registration section supervisor should maintain a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on the North Carolina Sex Offender Registry.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to an investigator for appropriate follow-up. Any updates of registry information should be made to the sheriffs' office files and dissemination to the Division of Criminal Information.

The sex offender registration section supervisor should also maintain a procedure to routinely disseminate information regarding registered offenders to Montgomery County Sheriff's Office members, including timely updates regarding new or relocated registrants in their respective jurisdictions.

315.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisors. The supervisor

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should evaluate the request and forward the information to the Sexual Offender Section Supervisor if warranted. A determination will be made with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the North Carolina Sex Offender Registry website or the Montgomery County Sheriff's Office's website.

The Records Manager shall release local registered offender information to residents in accordance with state law. Information relating to a juvenile required to register as a sex offender is not a public record and is not available for public inspection.

315.5.1 RELEASE NOTIFICATIONS

Registrant information that is released to the public should include notification that:

- (a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
- (b) The information is provided as a public service and may not be current or accurate.
- (c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
- (d) The crime for which a person is convicted may not accurately reflect the level of risk.
- (e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
- (f) Any updated information provided by the public on a sex offender should be given to the offender registration section.

315.5.2 DISSEMINATION

In addition to the information released as permitted by law, the Sheriff shall release any other relevant information that is necessary to protect the public concerning a specific registrant. However, the Sheriff may not release the identity of the victim of the offense that required the offender to register.

315.6 LEGAL MANDATES AND RELEVANT LAWS

North Carolina law provides for the following:

- (a) Deputies may arrest a person for failure to register as required by North Carolina law or for failing to comply with registration verification or notification requirements in accordance with state law or seek an order of arrest.
 - 1. A person arrested for failing to register shall be housed or transferred to the custody of the Sheriff of the County where he/she failed to register.
- (b) Members verifying registry information are authorized to:

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1. Take a photograph of the registrant if the photograph on file no longer provides a true and accurate likeness.
 2. Attempt to verify that the offender continues to reside at the address last provided by the registrant.
- (c) Members receiving information related to a registrants change of address, academic status, educational employment status, online identifier, or change of name shall forward the information to the Sex Offender Registration section who will in turn disseminate the information to the Department of Public Safety.
1. In cases of changes of address to an out-of-state residence, the sex offender registration section receiving the registrant's notice shall inform the registrant of his/her duty to comply with the registration requirements in the new state of residence.
- (d) Members of the sex offender registration section may request that a registrant appear during normal business hours to be photographed anytime the current photograph of the registrant on file no longer provides a true and accurate likeness of the registrant.

In cases involving recidivists, persons convicted of an aggravated offense and persons classified as sexually violent predators as defined by state law sex offender registration section shall verify registry information every 90 days.

