



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

GREG COX
First District

DIANNE JACOB
Second District

PAM SLATER-PRICE
Third District

RON ROBERTS
Fourth District

BILL HORN
Fifth District

DATE: September 28, 2010

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TO: Board of Supervisors

SUBJECT: PUBLIC SAFETY GROUP – REPORT ON THE FEASIBILITY OF A SEX OFFENDER E-MAIL NOTIFICATION SYSTEM (DISTRICT: ALL)

SUMMARY:

Overview

On May 18, 2010 (6), Supervisor Bill Horn introduced an item regarding the provision of a sex offender e-mail alert and pin mapping system. Your Board approved the item and directed the Chief Administrative Officer to explore and provide recommendations regarding the feasibility of purchasing, funding, and implementing a sex offender e-mail alert service and pin map system for the residents of San Diego County. Today, staff returns with a report outlining the requested information.

Recommendation(s)

CHIEF ADMINISTRATIVE OFFICER

Receive the report outlining the feasibility and funding of a sex offender e-mail notification service and pin mapping system.

Fiscal Impact

There is no fiscal impact associated with the receipt of today's report. If directed by your Board, implementation of a sex offender e-mail notification system would result in both one-time development costs and ongoing costs. The one-time cost for development and implementation of the sex offender e-mail notification system is estimated to be \$20,000. The application hosting cost for the pilot is estimated to be approximately \$2,400 (\$200 per month). Implementation of a sex offender e-mail notification system would require no additional staff years.

Business Impact Statement

N/A

Advisory Board Statement

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N/A

BACKGROUND:

Per your Board’s direction, staff from Supervisor Horn’s office, the Sheriff’s Department, the District Attorney’s Office, the County Technology Office, and the Public Safety Group Executive Office met to explore the possibility of the County providing a sex offender e-mail alert and pin mapping service system for County residents who subscribed to the service. Your Board was particularly interested in notifying citizens of changes in the residencies of registered sex offenders.

Staff began by noting the crime information the County currently provides to residents. Specifically, through the Sheriff’s Department’s [website](#), residents today can map recently reported crime, evaluate crime near an address or location, sign up for automatic e-mails alerting subscribers of many different crimes, view crime rates for the past 25 years and, most notably for this project, view a map of registered sex offenders through a link to the Megan’s Law [website](#).

The sex crime information on the Megan’s Law website is provided from the Violent Crime Information Network (VCIN), a California Department of Justice (DOJ) database populated and used by state and local law enforcement agencies. Any proposed County-provided e-mail alert and pin mapping services would necessarily use information from the VCIN in order to remain consistent with the law and State DOJ policy and to ensure up-to-date information. Any sex offender information provided by the County to residents would include only those sex offenders who are (1) subject to registration and (2) already appear in the Megan’s Law database system. In other words, the County system would simply direct its subscribers to information already publicly available on the Megan’s Law website.

E-mail Subscription Service

Per your Board’s direction, staff explored the feasibility of a sex offender notification system that would alert a subscribing citizen of sex offender residency changes in the citizen’s specified geographical areas of interest. Staff determined that such a system is technically feasible and agreed it would increase community awareness of these predators. In such a system, a citizen could click on a link in the alert they had received and they would be sent directly to information about specific sex offenders, including but not limited to address, description and photographs.

However, the State Attorney General’s Office advised, and County Counsel concurred, that Penal Code sections 290.45 and 290.46 prohibit such an alert system. These statutes provide that a local law enforcement entity may use the internet to disseminate information about a specific sex offender only when the local agency determines, based upon specific information concerning that specific offender, that such dissemination is necessary to ensure the public safety. In other words, current state law says that a sex offender’s inclusion on the Megan’s Law website does not, by itself, constitute justification for local law enforcement notification.

However, the County may still provide a useful public service regarding sex offender notification

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that, according to County Counsel, should not run afoul of current state law. Under this alternative system, residents would subscribe and set a geographic area of interest anywhere within the county. When a sex offender registers his or her address within or moves from a zip code associated with that user-defined area, subscribers would receive an automatic notification via e-mail. This notification system would:

- Inform the subscriber that a change to the registered sex offender database has occurred for their area of interest;
- Include a link to the Megan's Law database listing for the zip code(s) of their area of interest; and
- Facilitate subscribers' use of the Megan's Law sex offender website to search for registered sex offenders by city, address, county, or a predetermined radius of a selected, park, or school.

The State DOJ updates, on a daily basis, the registered sex offender database and the information on the Megan's Law website. This County-provided notification system would provide subscribers with a direct, rapid notification of updates that impact the subscribers' designated areas of interest – a service that is not currently available.

If your Board decides to implement such a sex offender e-mail notification system, staff would collaborate to develop a one-year pilot program utilizing existing technology and vendors. A one-year pilot program will allow for an evaluation period, including public feedback. A preliminary review of adapting a currently available application to create this e-mail notification system indicates one-time development costs of approximately \$20,000. Additionally, it is anticipated there would be an application hosting fee of approximately \$2,400 for the one-year pilot.

Given the regional nature of this issue and the fact that registrants may move from a Sheriff-served area to one served by a municipal police department, it is recommended that any County-provided regional pilot program be explored in collaboration with the Automated Regional Justice Information System (ARJIS), a local Joint Powers Authority created to share information among justice agencies throughout the region. The regional pilot program would be available through a hosted site to be accessed by residents through an internet link that can be imbedded on any website. The development of the pilot e-mail notification program may facilitate further discussions with ARJIS and the California Department of Justice as to the feasibility of a regional or statewide alert solution.

ARJIS plans to include community notifications of sex registrants as a desired capability in a future ARJIS request for proposals (RFP) to update public crime mapping web services and regional eWatch alert services. At this time, there is no definitive timeline for either the release of the RFP or for the planned updates. If a regional notification service is developed and launched by ARJIS, the ongoing costs of the service would be offset through the membership fees paid to ARJIS by participating agencies. It is anticipated that the pilot program discussed

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above would serve as the foundation for a regional service to be provided through ARJIS. If the service is launched by ARJIS during the pilot project, the County will discontinue the pilot e-mail notification service in favor of the ARJIS e-mail alert service.

Pin Mapping Services

The Megan’s Law website currently posts home address locations on a map (pin map) for those registrants with information that may be released to the public under California law. In order to ensure that the locations of sex registrants living in the county are complete and consistent with the information currently available through the Megan’s Law website, it is not recommended that the County remap the location data. Instead, the subscription notification service described above intends to provide a link directly from the e-mail notification to the Megan’s Law database listing for the area of interest.

Linkage to the County of San Diego Strategic Plan

This request supports the Kids and Safe and Livable Communities of the County’s Strategic Initiative by addressing and developing services that enhance community awareness of dangerous predators and help keep children safe.

Respectfully submitted,



for

WALTER F. EKARD

Chief Administrative Officer

ATTACHMENT(S)

N/A

