

Office of the City Manager

INFORMATION CALENDAR
October 14, 2003

To: Honorable Mayor and
Members of the City Council

From: Weldon Ruckliff, City Manager

Subject: Public Access to Megan's Law CD Rom at BPD (CR-32)

INTRODUCTION

On June 24, 2003, the City Council directed the City Manager to report on "Citizen access to the Megan's Law CD ROM at the Berkeley Police Department." This request was generated by citizen inquiry as to why the Berkeley Police Department does not provide access to the Megan's Law CD ROM.

It is the opinion of staff that Megan's Law inquiries continue to be handled in the manner in which they have been. This opinion is based on the very small number of citizen inquiries into Megan's Law, (2-3 inquiries a month). The expense of staffing the Megan's Law Computer could potentially cost in excess of \$2000.00 per week. Allowing public access to the Megan's Law CD ROM would require the Sex Crimes Sergeant to be available eight hours a day, at \$46.79 an hour, forty hours a week totaling at a cost of \$1870.60, not including the additional cost of benefits. Staff believes the expense of staffing the Megan's Law Computer is cost prohibitive.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley Police Department does not currently provide citizen access to the Megan's Law CD ROM. State law mandates that all county sheriff offices and police departments serving cities with a population of over 200,000 citizens are required to provide citizen access to the Megan's Law CD ROM.

Currently when a citizen calls the Berkeley Police Department requesting sex offender information he/she is either provided the Oakland Police Department Megan's Law phone number or advised of the Department of Justice 900 number, which for a fee, provides sex registrant information.

If someone comes to the BPD asking for sex registrant information, the Berkeley Police Department will have him/her fill out the necessary paperwork and run the specific person in Megan's Law for them. In all cases where a citizen comes to the police department requesting sex offender information the Sex Crimes unit makes every effort to accommodate their request. The Berkeley Police Department currently receives approximately two or three inquiries into Megan's Law a month.

The City of Berkeley web site provides general information on Megan's Law and how to gain access to Megan's Law as described above. The City of Berkeley's web site also provides a "pin map" listing the number of Berkeley sex offenders by zip code.

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BACKGROUND

The City of Berkeley, with a population of approximately 103,000, is not required to provide citizen access to the Megan's Law CD ROM. However, from July 1997, through December 2000, the Berkeley Police Department provided this service. The viewing computer was dedicated to Megan's Law and staffed by Support Services Personnel. An inquiring citizen would be asked to fill out a state mandated "Request To View Sexual Offender Identification Information" form. The citizen was then passed the computer keyboard and mouse so they could access the Megan's Law computer that was set up on the other side of the front counter glass.

Records show that the Berkeley Police Department had 121 requests to view the Megan's Law CD ROM while it was available to the public, July 1997 to December 2000. Of the 121 requests, 42 were from individuals who did not reside in Berkeley.

POSSIBLE FUTURE ACTION

The Berkeley Police Department will continue to provide sex registrant information to those citizens who personally come to the department. Those citizens who call for the information will be given the option of making an appointment with the Sex Crimes unit to come in and obtain the information or they will be given alternative methods and locations to obtain access to the Megan's Law CD Rom.

Penal Code section 290.4 delineates the application of Megan's Law. Subsection 290.4(n) states that this section, PC 290.4, shall remain operative only until January 1, 2004 unless extended. As of 9-12-03 the State Assembly had not extended PC 290.4, thus terminating public access to Megan's Law as of 12-31-03. The State Assembly is currently out of session until the first of the year. Per the Department of Justice, legislation to reinstate 290.4 will be in place for Assembly review when they reconvene in January. Until that time the future of public access to Megan's Law is uncertain.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Based on staffing only, the cost to allow public viewing of the Megan's Law CD ROM would cost in excess of \$1870.60 a week.

CONTACT PERSON

Sergeant Alyson Hart, 981-5734

Approved:

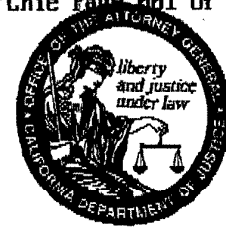

Roy L Meisner, Chief of Police

Sep 16 2003 17:00:33 Via Fax

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NEWS RELEASE



Attorney General Bill Lockyer
California Department of Justice

<http://ag.ca.gov>

FOR IMMEDIATE RELEASE
September 16, 2003 03-112

Contact: Hallye Jordan
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ATTORNEY GENERAL URGES LAWMAKERS TO SAVE MEGAN'S LAW

(SACRAMENTO) – Attorney General Bill Lockyer issued the following statement today regarding the expiration of Megan's Law on December 31, after the Assembly failed to pass legislation extending the public database to obtain information about serious and high-risk sex offenders:

"Today, the California Police Chiefs Association joins me in urging lawmakers to act quickly to ensure Californians can continue to have uninterrupted access to the whereabouts of registered sex offenders living in their communities.

"I have been talking with Gov. Gray Davis and legislative leaders about the paramount importance of continuing this program, and have asked that the Governor consider convening a special session of the Legislature for the sole purpose of extending Megan's Law, which is set to expire on December 31.

"The failure of the Legislature to pass a bill sponsored by my office and the Governor's Office of Criminal Justice Planning (AB 1313, Parra), has jeopardized the ability of Californians to have access to this critical database. This inaction also risks \$5.1 million in federal funding that California stands to lose for missing an October 1 deadline for authorizing campus police to disclose information about registered sex offenders on California college and university campuses.

"Over the past two years, I have taken many steps to make Megan's Law information more accurate, timely and accessible for Californians. We are working with local law enforcement and state and federal agencies to more quickly identify registered sex offenders who have died, moved out of state, been re-incarcerated or been deported. Since January, we have identified the whereabouts of 8,000 of 33,000 sex offenders who have failed to update their addresses with local law enforcement, as required by law. The information now is updated every 24 hours and is available in 13 languages.

"I have sponsored and supported legislation to post Megan's Law on the Internet to make it even more convenient for Californians to use. While those efforts have so far been refused passage in the Legislature, I am confident that we will soon win the fight to put this critical information on the Internet.

"But without extending the life of California's Megan's Law, there is no program to expand and improve. If the Legislature meets in special session before early October, Megan's Law can be renewed with a simple majority vote, avoiding the threat of any further partisan games, and allowing the measure to go into effect in 90 days, by January 1. I urge all legislators, Democrats and Republicans, to join the California Police Chiefs Association and me, put aside their partisan politics, and vote for public safety."

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