



NORTH MIAMI POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES



SEXUAL OFFENDERS / PREDATORS 400.15

EFFECTIVE DATE: 05-10-22

APPROVED:


Chief of Police

SUPERSEDES: 08-01-19

CFA: 15.16, 15.17

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I. PURPOSE

To establish guidelines to ensure compliance with Florida and Miami-Dade County laws regarding the identification, location, registration and community notification of sexual offenders/predators.

II. POLICY

The North Miami Police Department will assign an Investigator to monitor sexual offenders/predators who reside in North Miami, and maintain the necessary records regarding their registration and periodic follow-up in compliance with Florida State Statute (FSS) 775.21, a/k/a, The Florida Sexual Predators Act; and FSS 943.0435 (relating to sexual offenders). In addition, through follow-ups with the County, the Department will ensure compliance with the Miami-Dade County's Lauren Book Child Safety Ordinance, which sets residential, rental, access to parks, and child care facility prohibitions for sexual offenders/predators.

III. SCOPE

This policy applies to all members of the Department.

IV. DEFINITIONS

- A. **Sexual Predator:** A sexual predator is an individual who has been convicted of a sexually violent offense as defined in FSS 775.21 (which may include offenses from another jurisdiction) **and** has a written court order designating the individual a sexual predator; **or** an individual who is civilly committed under the Florida Jimmy Ryce Sexually Violent Predator Act **and** has a written court order designating the individual as a sexual predator.
- B. **Sexual Offender:** A Sexual Offender is a person who has been convicted of committing, or attempting, soliciting, or conspiring to commit, one of the enumerated crimes in FSS 943.0435, and who has been released on or after October 1, 1997, from a sanction imposed for any conviction of an offense described in sub-sub-subparagraph (I) and does not otherwise meet the criteria for registration as a sexual offender under chapter 944 or chapter 985. For purposes of this definition, a sanction imposed in this state or in any other jurisdiction means probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility. If no sanction is imposed the person is deemed to be released upon conviction.

V. PROCEDURES

Before any sexual offender/predator moves into the City of North Miami, they must register their address with the Miami-Dade County Police Department. Once the address is registered, the FDLE Sexual Offender Website is immediately updated to reflect the new address of the sexual offender/predator.

Once any sexual offender/predator has moved into the City of North Miami, a designated Department Investigator will be responsible for the following:

- A. On a monthly basis, the assigned Investigator will search the Florida Department of Law Enforcement (FDLE) Sexual Offender/Predator website, to check for new residents, and verify if any current offender/predator have moved out of the North Miami City limits.
1. The assigned Investigator will physically respond to the sexual offender/predator's address listed on the FDLE Sexual

Offender/Predator website in order to verify the registered address of the sexual offender/predator.

2. If the assigned Investigator determines that a sexual offender/predator has resided in North Miami for more than 48 hours without having registered that address with the Miami-Dade Police Department, the sexual offender/predator shall have committed a third-degree felony.
 - a. The Investigator will attempt to contact the subject at the location provided. If the subject is located at the residence, the assigned Investigator is authorized by statute, to take the sexual offender/predator into custody and charging him/her with a third degree felony. The assigned Investigator will then complete an Arrest Affidavit to coincide with an Offense Report.
 - b. If the assigned Investigator determines that a sexual offender/predator resides at an unregistered address, and the sexual offender/predator is not home, the assigned Investigator will complete an information report and forward the report to the Miami-Dade Police Department's Sexual Offender's Unit. The assigned Investigator shall also make reasonable efforts to locate and apprehend the sexual offender/predator.
3. Sexual offenders/predators are NOT REQUIRED by law to register with FDLE or MDPD if they are in the custody of the Department of Corrections (DOC). If they are in the custody of DOC, the responsibility lies with that agency. Although the subject is in the custody of the DOC, the investigator will follow the same verification and subsequent follow-up procedures.
4. After initial registration with FDLE and MDPD, the subject is required to appear in person within forty-eight (48) hours at the Department of Highway Safety and Motor Vehicles (DHSMV) to obtain a new Florida driver's license or identification card with a photo. Failure of the subject to do so is a third-degree felony.
5. Once notified by FDLE of a change of address, the investigator will again follow all verification, community notification and follow-up procedures.
6. All of the above, including dates, times, how the community was notified, etc., will be documented and maintained by the Investigative Section.

- B. A Miami-Dade County Police Information Officer will notify the North Miami Police Department Liaison of any new sexual predator who has registered his/her address within the North Miami City limits. The assigned Investigator shall, within 48 hours after receiving that notification, notify each licensed child care facility, elementary school, middle school and high school within a one-mile radius of the temporary or permanent residence of that sexual predator. In addition, Miami-Dade County does a reverse 9-1-1 call to residences within the one-mile radius of the newly-registered sexual predator's address. North Miami residents can also review the list of sexual offenders/predators residing in North Miami on the North Miami Police website. This can also be achieved through the FDLE Sexual Offender/Predator website. **CFA 15.16**

VI. REGISTRATION

Florida State Statute requires registration of all sexual offenders, not in the custody of DOC, to register with FDLE or MDPD twice (2) a year. Sexual predators are required to register four (4) times a year.

In the event a sexual offender or sexual predator walks into the North Miami Police Station to inquire about registration, a sworn officer will be notified. The officer will then refer the sexual offender or sexual predator to register with the **Miami-Dade Sexual Predator and Offender Unit**, located at 1701 NW 87th Ave, Suite # 222, in the City of Doral. **CFA 15.16, 15.17**

- A. Once a subject's registration with FDLE or MDPD has been verified, a copy of the registration will be obtained by the Investigator from the FDLE website and placed in the subject's intelligence file.
- B. During the home visit, the subject will be interviewed to ensure appropriate information is obtained with regard to his/her qualifying charge.
- C. If it has been determined that the subject has lied about his/her residence, an incident report will be completed by the Investigator and forwarded to the Miami-Dade Police Department Sexual Offender Unit.
- D. Once the subject's residence has been verified, the community notification flyer, issued once a month, will be updated prior to its monthly release.
- E. All pertinent subject information obtained will be submitted to FDLE via the secure website, phone, email or other established form of correspondence.

VII. PUBLIC NOTIFICATION

On a quarterly basis, the assigned investigator will prepare a Sexual Offenders/Predators Community Notification flyer to be delivered to a City-authorized company for printing and distribution. The flyers will disclose the name and address of sexual offenders/predators residing within the North Miami City limits. A copy of the flyer will be distributed to the North Miami residents through their water bill.

- A. On a monthly basis, the assigned Investigator will update the community notification flyers. The flyers will be distributed to the Director of each City Department for posting in a conspicuous place in each City facility. The same flyer will also be distributed to educational and childcare facilities within North Miami's jurisdiction.
- B. Each community flyer will contain the following information:
 - 1. The name of the sexual offender/predator.
 - 2. A description of the sexual offender/predator, including a photograph.
 - 3. The sexual offender/predator's current permanent, temporary, or transient address, and descriptions of registered locations that have no specific street address, including the name of the county or municipality if known,
 - 4. For sexual predators only, the circumstances of the sexual predator's offense or offenses.
 - 5. For sexual predators only, whether the sexual predator's victim was, at the time of the offense, a minor or an adult.

VIII. FILE MAINTENANCE

The assigned Investigator will maintain a file on all sexual offenders/predators within the North Miami's jurisdiction.

The assigned Investigator will make periodic checks on each sexual offender/predator residing in the City to ensure the subject is in compliance with statutory and ordinance requirements.

- A. If any sexual offender/predator is found to be in violation, the assigned Investigator will file for a warrant with the State Attorney's Office and make reasonable efforts to locate and apprehend the subject.

IX. PUBLIC RECORDS REQUESTS

Information on registered sexual offenders is public record. Should a concerned citizen desire, he/she may contact the Department and inquire about a suspicious person's offender/predator status by name. The employee handling the request shall then advise the citizen whether or not that person is a registered sexual offender/predator by confirming, first, that said person is in fact a registered offender/predator. Confirmation may be established by visiting the Department's website or the FDLE Sexual Offenders and Predators Search website at: **<https://offender.fdle.state.fl.us/offender/sops/search.jsf>**

- A. Officers addressing crime watch and other community groups will not publicize the name of a specific offender or predator, but are at liberty to divulge the fact that a registered sexual offender or predator is residing in the area. Officers may also inform crime watch groups and other interested persons of the procedure to follow to conduct an offender/predator search, or to make a public records request as listed above.
- B. Immunity is provided under FSS 775.21(9) to any elected or appointed official, public employee or agency, from civil liability for damages resulting from the information as authorized by FSS 775.21.