

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> February 1, 2008		<i>Amended Date</i> September 1, 2010		<i>Directive</i> 7.31.1	
<i>Subject</i> Sex Offender Registration					
<i>Reference</i>					
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> 7.31.1 Sex Offender Registration		<i>Review Date</i> November 1, 2023	
				<i>Pages</i> 5	

This Operations Directive is for internal use only and does not enhance an officer’s civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this directive is to establish the procedures for the sex offender registration process.

SECTION 2 POLICY

It is the policy of the Department that personnel in Investigative Services will manage the sex offender registration process in accordance with all relevant statutes and the Texas Sex Offender Registration Manual, CR-31.

SECTION 3 PROCEDURES

A. Reporting Required

1. The detective assigned to register sex offenders must first determine if the offender has a duty to register according to the criteria outlined in this section.
2. Any person with a reportable conviction occurring on or after September 1, 1970 shall have a duty to register for either post 10 or lifetime. This includes offenders who have been convicted or adjudicated for a Texas offense that requires registration or a conviction of a non-Texas offense (includes Laws of another State, Federal Law, the Laws of a Foreign Country, the Uniform Code of Military Justice, or Tribal Laws) that contains elements that are substantially similar to an offense that requires registration in Texas. A deferred adjudication from other States, Countries, Federal law, Uniform Code of Military Justice or Tribal law will not require registration. However, if the offender’s supervision is transferred to a Texas authority for a sex offense and registration is required as a condition of that supervision, the offender will register in Texas.
3. DPS shall have the responsibility for determining whether a non-Texas offense contains elements that are substantially similar to the elements of a Texas offense.
4. Nonresident offenders with a reportable conviction or adjudication must register in Texas if the offender is employed, carries on a vocation, or is a student in this state.

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Directive</i> 7.31.1	<i>Subject</i> Sex Offender Registration
-----------------------------------	--

B. Reportable Conviction or Adjudication Defined

1. Reportable conviction or adjudication is defined as a conviction or adjudication, including an adjudication of delinquent conduct or deferred adjudication that, regardless of the pendency of an appeal, is a conviction or an adjudication based on:
 - a. Violation of Section 21.11 (Indecency with a child), 22.011 (Sexual Assault), 22.021 (Aggravated Sexual Assault), 25.02 (Prohibited Sexual Conduct), or 21.02 (Continuous Sexual Abuse of Young Child or Children), Penal Code.
 - b. Violation of Section 43.05 (Compelling Prostitution), 43.25 (Sexual Performance by a Child), or 43.26 (Possession or Promotion of Child Pornography), Penal Code.
 - c. Violation of Section 20.04 (a) (4) (Aggravated Kidnapping), Penal Code, if the actor committed the offense with intent to violate or abuse the victim sexually.
 - d. Violation of Section 30.02 (Burglary), Penal Code, if the offense or conduct is punishable under Subsection (d) of that section and the actor committed the offense or engaged in the conduct with intent to commit a felony listed in paragraph (A) or (C).
 - e. Violation of Section 20.02 (Unlawful Restraint), 20.03 (Kidnapping), or 20.04 (Aggravated Kidnapping), Penal Code, if the judgment in the case contains an affirmative finding under Article 42.015; or the order in the hearing or the papers in this case contain an affirmative finding that the victim or intended victim was younger than 17 years of age.
 - f. Second violation of Section 21.08 (Indecent Exposure), Penal Code, but not if the second violation results in a Deferred Adjudication.
 - g. Attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense or engage in conduct listed in paragraph (A), (B), (C), (D), (E), (K) or (L) of Texas CCP Article 62.01, but not if the violation results in a deferred adjudication.
 - h. Violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E), (G), (J), (K) OR (L) of Texas CCP Article 62.01, but not if the violation results in a deferred adjudication.
 - i. Second violation of the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice for or based on the violation of an offense containing elements that are substantially similar to the elements of the offense of indecent exposure, but not if the second violation results in a deferred adjudication.
 - j. Violation of Section 33.021 (Online Solicitation of a Minor) Penal Code.

C. Length of Duty to Register

1. Adult sex offenders register for life or ten years following discharge from supervision (i.e., incarceration, parole, or community supervision).
2. Lifetime registration is required for the following Sexually Violent Offenses:

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Directive</i> 7.31.1	<i>Subject</i> Sex Offender Registration
-----------------------------------	--

- a. Continuous Sexual Abuse of Young Child or Children (Section 21.02, Penal Code)
 - b. Indecency with a Child by Contact (Section 21.11(a) (1), Penal Code)
 - c. Sexual Assault & Aggravated Sexual Assault (Section 22.011, 22.021, Penal Code)
 - d. Sexual Performance by a Child (Section 43.25, Penal Code)
 - e. Aggravated Kidnapping, if committed with the intent to violate or abuse the victim sexually (Section 20.04(a)(4), Penal Code)
 - f. Burglary (Section 30.02, Penal Code) if the premises burglarized was a habitation and the offense was committed with the intent to commit Indecency with a Child, Sexual Assault or Aggravated Sexual Assault, Prohibited Sexual Conduct, or Aggravated Kidnapping with sexual intent; and a non-Texas offense containing elements that are substantially similar to the elements of a Texas offense.
 - g. Prohibited Sexual Conduct (Incest) (Section 25.02, Penal Code)
 - h. Compelling Prostitution of a Minor (Section 43.05(a) (2), Penal Code)
 - i. Possession or Promotion of Child Pornography (Section 43.26, Penal Code)
 - j. Indecency with a Child by Exposure (Section 21.11 (a) (2), Penal Code), if before or after being convicted or adjudicated for this offense, the person receives or has received another reportable conviction or adjudication, other than an adjudication of delinquent conduct, for an offense or conduct that requires registration.
 - k. Unlawful Restraint (Section 20.02, Penal Code), Kidnapping (Section 20.03, Penal Code), or Aggravated Kidnapping (Section 20.04, Penal Code) if the judgment contains an affirmative finding that the victim or intended victim was younger than 17 years of age; and the person has a prior or subsequent reportable conviction or adjudication other than an adjudication of delinquent conduct.
 - l. an offense under the laws of another state, federal law, the laws of a foreign country, or the Uniform Code of Military Justice if the offense contains elements that are substantially similar to the elements of an offense listed under Paragraph (A), (B), (C), or (D) of Texas CCP Article 62.01.
3. Adult sex offenders will register for 10 years following discharge from supervision for any offense that does not require lifetime registration (i.e. Attempted Sexual Assault and Second Indecent Exposure).
 4. Juvenile sex offenders, those who register on the basis of an adjudication of delinquent conduct, register until the 10th anniversary of the date on which the disposition in their case was made or the juvenile completes the terms of the disposition, whichever date is later. Juvenile sex offenders tried and convicted as adults will register for post 10 years also.
 5. Board/Court Ordered Registrants, i.e. offenders required to register on the basis of a condition of probation or parole and not for a reportable sex offense will have a duty to register for the duration

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Directive</i> 7.31.1	<i>Subject</i> Sex Offender Registration
-----------------------------------	--

of their state supervision. This includes offenders whose supervision is transferred to a Texas authority for a sex offense and registration is required as a condition of supervision.

D. Registration Procedure

1. Subjects arriving at the Department who are required register as a Sex Offender in accordance with Article 62 (Code of Criminal Procedure) shall be directed to Investigative Services to meet with the Sex Offender Registration Unit.
2. Detectives assigned the duty of completing sex offender registration shall determine if the offender is required to register and for what duration. Detectives will also determine if the offender is a new registrant, needs to update his/her current registration, or needs to perform a change of address, employment, add or remove a vehicle, or change or remove other contact information.
3. Detectives will complete all state issued forms needed to accomplish the registration process to include the following:
 - a. CR-32 (Pre-Release Notification Form). This is completed to ensure that the offender is aware of his/her duty to register or notify this agency of any changes to status.
 - b. CR-35 (Sex Offender Registration/Verification Form).
 - c. CR-35 OS (Sex Offender Registration/Verification Offense Supplemental Form), if needed.
 - d. CR-35 IS (Sex Offender Registration/Verification Information Supplemental Form), if needed.
 - e. CR-35 IHE (Institution of Higher Education Sex Offender Notification Form). This is completed for those offenders attending an Institution of Higher Education. Detectives will notify that Institution of the offender's duty to register.
 - f. CR-36 (Sex Offender Registration/Verification Print Card). Offender shall be printed upon registering with this agency. Two print card shall be obtained, and the offender will be printed by a member of the crime scene unit.
4. In addition to completing the above listed forms, the detective must ensure that the offender is photographed by the crime scene unit. Two photos must be taken, and the offender's name, DOB, SID number and date the photo was taken will be listed below the photograph.
5. Once all the above forms, fingerprints, and photos are completed and compiled, then the detective shall copy each of the same. The detective shall mail the original forms (except CR-35 IHE), one fingerprint card, and one photo to Texas Department of Public Safety-Crime Records Service P.O. Box 4143 Austin, Texas 78765. Copies of the forms, second set of fingerprints, and the second photograph will be placed into a file to be stored in the Department's Sex Offender Registration Unit Records.

E. Additional Responsibilities

1. Detectives assigned to the department's Sex Offender Registration Unit shall have the following additional duties:

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Directive</i> 7.31.1	<i>Subject</i> Sex Offender Registration
-----------------------------------	--

- a. Ensuring that the unit's active and inactive offender records are maintained and kept up to date including the department's Source program provided on the department's server.
- b. Send notification of the sex offender to the appropriate superintendent of public schools or the administrator of private primary and secondary schools. This notification will be made utilizing the appropriate notification form found on the Department's Source program provided on the department server.
- c. Investigate and charge offenders not in compliance with the Texas Code of Criminal Procedure, Article 62, Sex Offender Registration Program.
- d. Access and update offender's information using the Department of Public Safety secure website (<https://secure.txdps.state.tx.us>).
- e. Conduct monthly validations of sex offender registration records as requested by the Texas DPS by comparing the Department's in-house records against the DPS secure website, the TCIC on-line response, and the NCIC on-line response. If any discrepancies are noted between department records and other databases, the detective shall make necessary modifications to the sex offender registry whenever possible via the DPS Secure website.

F. Additional Resources

- 1. Sex offender registration guidelines to include the proper completion of DPS issued forms can be found by referring to DPS CR-31 (Sex Offender Registration Manual).
- 2. Additional questions or concerns maybe addressed by the DPS Sex Offender Registration Crime Records Service Field Representative. Communication with the field representative is encouraged if additional information is needed. The DPS Sex Offender Registration Crime Records Service Field Representative can be contacted at P.O. Box 4143 Austin, Texas 78765-4143 or by phone at (512) 424-7365.

G. RESPONSIBILITY

- 1. All members of the Department shall know and comply with all aspects of this directive.
- 2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.