

CHIEF OF DETECTIVES

NOTICE
8.6

August 13, 2018

TO: All Bureau Commanding Officers

FROM: Chief of Detectives

SUBJECT: 2017 - 2018 REGISTRATION ENFORCEMENT AND COMPLIANCE TEAM REPORT

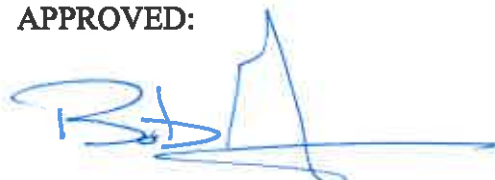
The Department's Registration Enforcement and Compliance Teams (REACT) are responsible for registering and tracking convicted sex offenders residing within the City of Los Angeles. As a means of providing an overview of REACT activities and tracking productivity, the attached 2017 - 2018 REACT report supplies statistics on various areas of focus.

For further information, please contact Detective III Lauren Rauch, REACT Coordinator, at (213) 486-6918, or Captain William P. Hayes, Commanding Officer, Robbery-Homicide Division, at (213) 486-6850.



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APPROVED:



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Attachment

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Registration Enforcement and Compliance Team 2017- 2018 Report Executive Summary

This report summarizes the annual activities of the Department's Registration, Enforcement and Compliance Team (REACT) units, and provides productivity measures in several areas. The report presents quantitative data from the monthly REACT COMPSTAT Reports completed by REACT units as well as qualitative data from criminal case sentencing dispositions that resulted from failure-to-register cases.

A total of 6,296 sex offenders were registered in the City of Los Angeles at the end of the 2017 calendar year. This number represented a 3.6% increase from the 6,080 at the end of the 2016 calendar year. The number of registrants in Central Bureau stayed virtually the same. The number of registrants in the Valley and West Bureaus increased marginally by 2.5% and 3.0%, respectively. The number of registrants in South Bureau increased significantly by 7.5%. Over one-third (36.5%) of the registrants in the city still reside in the four patrol divisions of South Bureau. This includes almost half (48.7%) of the "Above Average Risk" registrants in the city. The three divisions with the highest number of registrants are 77th Street, Central and Southeast.

There were 240 criminal cases¹ filed in 2017 against registrants for violating their registration requirements. This was a 7.7% decrease from the 261 cases filed in 2016. In comparison between 2017 and 2016: Central Bureau filed 3.2% fewer cases and Valley Bureau filed 8.0% fewer cases. These decreases in case filings can be directly attributed to a shortage of available personnel resulting from a reduction in staffing. Also, the split-up of the Central Bureau REACT unit back to the patrol divisions has had multiple negative effects, among which was a reduction in criminal case filings (discussed on page 2). West Bureau filed 27.0% more cases and appears to be recovering from the massive turnover experienced in 2016, but remains short of the number of cases they filed in 2015. In South Bureau, Southeast REACT filed two more cases in 2017 increasing from 19 to 21 cases. The 77th Street REACT unit more than doubled their case filings from eight to 19 cases. Southwest REACT also increased their case filings from eight to 14. Harbor REACT filed only five cases, half of the cases filed in 2016. Harbor's reduction can be attributed to a reduction in investigators from two to one for most of 2017. The ongoing personnel issues faced by REACT units citywide related to staff reductions, as well as other issues are addressed in the **Recommendations** section on page 12.

The number of sex offender registrations completed increased 3% in 2017 from 12,350 to 12,724. The DOJ forms completed are five pages in length. Registrants are required to sign and date each page of the form and initial each of the 22 conditions. Central Bureau experienced an 0.6% decrease in registrations completed, while Valley Bureau had an 2.7% increase. West Bureau had a notable increase in registrations completed of 8.6%. 77th Street, Harbor and Southwest REACT experienced increases in registrations completed of 10.6%, 7.2% and 3.6%, respectively. Southeast REACT experienced an 2.1% decrease in registrations completed.

¹ These included two cases with combo filings of registration violations with other open charges. Five additional cases filed against registrants involved charges other than registration violations and are not included in the 240 total cases.

Registration Enforcement and Compliance Team

2017 - 2018 Report

During the 2017 calendar year, the Department's Registration, Enforcement and Compliance Teams (REACT) were initially comprised of seven units, but then split into 11 units with the decentralization of OCB REACT back to its five patrol divisions.² REACT investigators register, track, and investigate sex offenders that are required to register per California Penal Code Section 290. REACT investigators completed over 12,700 registrations in 2017. Investigators responded to notifications from the California Department of Justice (DOJ), local, state and out-of-state agencies, as well as community members regarding non-compliant registrants. These investigators pursued and successfully filed 245 criminal cases. They also addressed related issues including registration requirements, risk assessment, residency restrictions, and community notifications. REACT investigators work to ensure that the information available to the public on the Megan's Law website (www.meganslaw.ca.gov) is current and accurate.

REACT unit activities and productivity is documented monthly in the REACT COMPSTAT reports and includes:

- Arrests and case filings
- Investigations and compliance checks
- Number of registration forms completed
- Collection of DNA samples
- Compilation of *Modus Operandi* information
- Number of registrants on parole, and probation
- Number of registrants designated as "High Risk" and designated as Sexually Violent Predators
- Non- sex registrant cases assigned to the REACT unit and arrests for other crimes
- Investigations related to the Internet Crimes Against Children (ICAC) Unit
- Number of registrants showing as In Violation on the public Megan's Law website
- Community Notifications and presentations, and
- Significant arrests and task force operations

Although this annual report focuses on the 2017 calendar year, it has been retitled (2017 – 2018) since failure-to-register criminal case dispositions always trail well into the next calendar year. Additionally, this provides the latitude to discuss changes in the law for the new calendar year, as well as developments and incidents that affect REACT units and their responsibilities.

²Operations-South Bureau REACT operations are not consolidated at the Bureau level and operate out of the four respective patrol divisions. Operations - West Bureau (OWB) REACT investigators were also tasked with sex crimes cases and work as part of OWB's Sex Crimes unit. OCB REACT was decentralized effective May 25, 2017.

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Central Bureau REACT Decentralization

On May 25, 2017, the Central Bureau REACT unit was split-up and the REACT responsibilities were sent to the detective sections of Central Bureau's five patrol divisions. This has resulted in several negative effects.

The first effect was almost immediate. During the first five months of 2017, the OCB REACT unit filed 47 criminal cases (9.2 cases/month). During the last seven months of 2017, the REACT units in Central Bureau's five patrol divisions filed 54 criminal cases (7.7 cases/month). The average case per month filing dropped 16.3%.

This effect is even more dramatic when comparing the year prior to decentralization with the year following. A total of 113 criminal cases were filed from June 2016 through May 2017. After the decentralization, a total of 79 cases were filed from June 2017 through May 2018. This represents a 30% drop in criminal case filings as a direct result of the decentralization. Additionally, a few absconders are being released from parole revocations before new cases can be filed, which creates liability for the Department. It should also be noted that prior to decentralization, the OCB REACT unit had seven assigned investigators and one supervisor. There is now a total of eight primary investigators assigned to the REACT units within each of Central Bureau's five patrol divisions.³ REACT in Central Bureau is now utilizing more personnel to operate less efficiently. The supervision of the divisional REACT units is now an ancillary duty of five sex crimes supervisor. The REACT Coordinator has had to take-on the roles of administrative supervisor and CDCR - DAPO liaison for these REACT units since they no longer have a dedicated supervisor with expertise and experience in sex offender registration and enforcement.

A secondary effect is the cancellation of registration on days when registration is normally scheduled to take place. When REACT functions were previously consolidated at the Bureau level, registration was rarely if ever cancelled. Even when four officers were unavailable due to factors such as vacation, training, court and/or illness, there were still three officers available to conduct registration. Under the decentralized system, any combination of two of the aforementioned factors will cause the cancellation of registration in those divisions that have two investigators. Any one factor will cancel registration in a division with one investigator. At one division, registrants could only register once over a four-week period. The REACT investigator, having no partner, arranged to work every Tuesday during a pre-scheduled vacation to ensure that registration took place, but was subsequently scheduled for training on three of those days. A constitutional policing issue is created when offenders are trying to fulfill their legal obligations to register, but registration is cancelled.

The division that has been impacted most dramatically by the split-up of OCB REACT is Central Division's REACT unit. Central REACT is responsible for over 40% of the registrants in the Bureau, which includes 68% of the Bureau's transient registrants. Even with two investigators assigned, Central REACT struggles to function effectively. It is not unusual for one investigator to handle 20+ registrations when their partner is unavailable. Recently, a Central REACT investigator had to process 47 registrants single handedly. This tremendous volume of registrants makes it a challenge for Central REACT investigators to be attentive to indicators that any registrant is being deceptive. When the other divisions cancel registration, Central often receives the overflow.

³ Central, Newton and Hollenbeck REACT each have two primary investigators assigned; Rampart and Northeast have one.

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SB 384

On October 6, 2017, Governor Jerry Brown signed Senate Bill 384. The law will not be effective until January 1, 2021, but once in effect, it will dramatically change how California manages its sex offender registry system by moving from a lifetime registration requirement for all sex offenders to a new tiered registration system that allows termination from the registry depending on tier assignment. The state will now organize registered offenders into three tiers based on their offense and risk of reoffending. Tier 1 will require a minimum of 10 years on the registry from date of discharge from custody; Tier 2 will require 20 years, and Tier 3 will retain the lifetime requirement. For Tiers 1 & 2, the process of being removed is not automatic. An individual seeking discharge from the registration requirement must file a request with the court, and the local DA may file a response to the request if they feel the petitioner still poses an unusually high risk to the community, and warrants further monitoring. Each request filed will necessitate that law enforcement investigate to confirm eligibility and determine whether, or not to oppose said request. A felony conviction for failure-to-register adds three years to the length of time that an offender must register and a misdemeanor failure-to-register conviction adds one year. Additionally, anytime spent in custody is not counted and effectively tolls the amount of time that an offender must register. The REACT Coordinator is part of the SB 384 working group and regularly attends training/meetings in preparation for the transition to a tiered registry.

Realignment

Assembly Bill 109 "Public Safety Realignment" took effect October 1, 2011, in response to a federal court mandate to reduce California's prison population. These provisions changed the supervision of certain felony offenders and affected where felony offenders were incarcerated. Sex offenders were largely unaffected since felony registration violations can trigger a state prison sentence and registrants with a risk assessment score classifying them as above average risk are mandated for parole supervision. The problem created by greatly reduced parole revocation penalties has continued in that there are still a significant number of instances in which parolees abscond after removing, or fail-to-charge Global Positioning System (GPS) devices.

Some of those under parole supervision abscond almost immediately upon release from incarceration. REACT investigators maintain open communication with supervised release entities to be more quickly advised of violators. REACT investigators initiate investigations for these failure-to-register cases. The registration requirement that offenders register with local law enforcement within five working days of release from incarceration (30 days or more) is utilized to obtain a warrant for the absconder.⁴ The resulting failure to register cases carry a potentially strike-enhanced 16-month, 2-year, or 3-year state prison sentence, which is significant when compared to the maximum 180-day parole revocation, or probation "flash" incarceration.

During the 2017 calendar year, REACT investigators obtained 240 criminal case filings for sex offenders that were in violation of their registration requirements. The overwhelming majority of these cases (79%) were filed as felonies. Absconder cases comprised 18.3% of the REACT cases filed in 2017, down from 25.7% in 2016.

⁴ California Penal Code Section 290.015(a)

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There are 17 cases filed in 2017 that are still pending court proceedings. There are also 36 outstanding felony warrants from cases filed in 2017. REACT failure-to-register cases resulted in the following prison sentences:

8 months (1)
1 year (1)
16 months: (27)
2 years: (9)
32 months: (8)
3 years: (4)
44 months (1)
4 years: (6)
5+ years: (1)

Containment Model

A collaborative approach to sex offender management, known as the Containment Model, became mandatory in California beginning on July 1, 2012. This sex offender management program uses a victim-centered approach and has three required components: supervision (e.g., probation or parole); sex offender treatment providers; and polygraph examiners. These three entities are the core of the Containment Team with registering law enforcement agency taking on the role of the primary unnamed stakeholder. In May of 2018, The REACT Coordinator provided a presentation at the California Coalition on Sexual Offending's Annual Training Conference in San Diego. The presentation was entitled, ***The Containment Model, Law Enforcement's Role and Tales of Collaboration.***

REACT supervisors and/or investigators attend Containment model meetings, which are hosted by the Los Angeles County Department of Probation. During these meetings, the stakeholders share and exchange information. One of the most important tasks of the treatment providers is the risk assessment of offenders on supervised release. To conduct a complete and accurate risk assessment, treatment providers require access to historical documents (i.e. law enforcement agency reports). The ongoing REACT task of gathering *Modus Operandi* information on offenders has become increasingly important in ensuring the accuracy of risk assessments that are completed by parole agents, probation officers and treatment providers. Higher risk assessment scores for offenders under Los Angeles County supervision result in more focused supervision and are also utilized to determine which offenders will be subject to GPS monitoring.

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Collaboration with other Entities

REACT investigators work with various entities in monitoring registered sex offenders through investigations into compliance status via residential checks and task forces. REACT investigators partner with:

- Local, state and federal law enforcement agencies
- The California Department of Corrections and Rehabilitation/ Department of Parole Operations (CDCR/DAPO) agents and the CDCR Office of Correctional Safety Fugitive Apprehension Team
- Los Angeles County probation officers, including Post Release Community Supervision (PRCS) and Post Supervised Persons (PSP) who are also registered sex offenders
- United States Probation
- The United States Marshals Service, Los Angeles Regional Fugitive Task Force
- The Los Angeles County District Attorney's Office
- The Los Angeles City Attorney's Office
- The federally funded Internet Crimes against Children (ICAC) Task Force
- The Department of Children and Family Services (DCFS)
- United States Department of Housing and Urban Development (HUD)
- California Department of State Hospitals regarding registrants receiving treatment and pending release of Sexually Violent Predators (SVP).

Obtaining and Capturing *Modus Operandi* Criminal History Information

The LAPD 290 database, established in 2004, provides for information retention, registration form generation and is also available as an investigative support tool. In 2008, the database was expanded to include *Modus Operandi* information to enhance matching registered sex offender information to unsolved sex crimes. REACT personnel are tasked with collecting this information from crime/arrest reports, supervision reports and court documents at a rate of 20 per month for Bureau REACT units, and five per month for divisional REACT.⁵ Staff reductions have impacted the ability of certain REACT units to gather this information.

The importance of gathering *Modus Operandi* criminal history information has grown well beyond being utilized as a crime solving tool. This information continues to be critical for the accurate risk assessment of registrants on supervised release under California's Containment Model. This information may also increase the viability of new sex crime cases involving a sex offender.⁶ Sex Crimes Investigators citywide are provided access to the Department's 290 data base. While historical LAPD reports are generally accessible via ICARS, hard copies of reports obtained from outside law enforcement entities were previously stored in sex offender registration packages after the *Modus Operandi* information was extracted and entered into the 290 data base. The 290

⁵ This requirement was officially established by a Chief of Detectives Notice dated August 11, 2010, entitled *MODUS OPERANDI OF REGISTERED SEX OFFENDERS*.

⁶ Section 1108 of the California Evidence Code allows the potential admissibility of past sex crimes as evidence of propensity in new sex crime cases.

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data base has now been modified to accommodate the uploading of pdf files into the Case History section of any offender's profile. These reports are now immediately available to any REACT, or sex crimes investigator utilizing the data base.

Through December of 2017, *Modus Operandi* collection results were as follows:

REACT UNIT – BUREAU/DIV	ACTIVE REGISTRANTS	MOs COLLECTED 2017	MOs COLLECTED FOR ACTIVE REGISTRANTS (ONGOING)
OCB	1,587	101	982
OVb	1,675	137	1,469
OWB	738	20	492
77 TH	799	4	387
HARBOR	431	58	245
SOUTHEAST	676	72	461
SOUTHWEST	390	2	218

Central Investigative Component

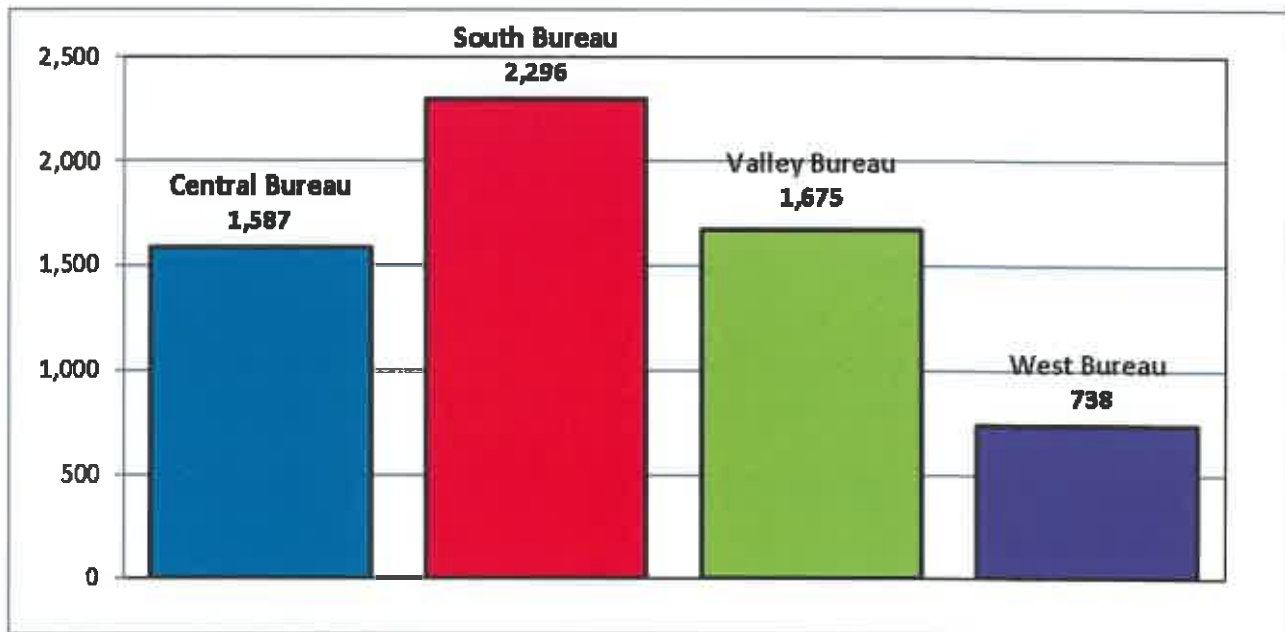
In January of 2018, the California Department of Justice (DOJ) activated the Central Investigative Component (CIC) application within the California Sex and Arson Registry (CSAR) for use by investigators. Subsequently, DOJ deactivated the Megan's Law website version for Law Enforcement Only. In May of 2018, the REACT Coordinator acted as liaison with Information Technology Division and arranged CSAR access for 32 sex crimes investigators citywide for them to have access to the CIC.

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Number of Registrants

The total number of active registrants in Los Angeles (6,296) has increased 3.6% from 2016. At the end of 2017, 17.5% of Los Angeles registrants were on parole and equipped with Global Positioning System (GPS) devices; 17.9% were on county or federal probation. Approximately one of every eight registrants on probation falls under "Realignment" Post Release Community Supervision (PRCS). Over one-third of the City's sex registrant population still reside in the four patrol divisions that comprise South Bureau.

Total Active Registrants by LAPD Bureau: 6,296



Active registrants by LAPD Patrol Division – Year end 2017

Central	650	77 th Street	799
Rampart	174	Newton	384
Southwest	390	Pacific	148
Hollenbeck	197	North Hollywood	252
Harbor	431	Foothill	232
Hollywood	154	Devonshire	204
Wilshire	157	Southeast	676
West L.A.	115	Mission	334
Van Nuys	267	Olympic	164
West Valley	221	Topanga	165
Northeast	182	TOTAL	6,296

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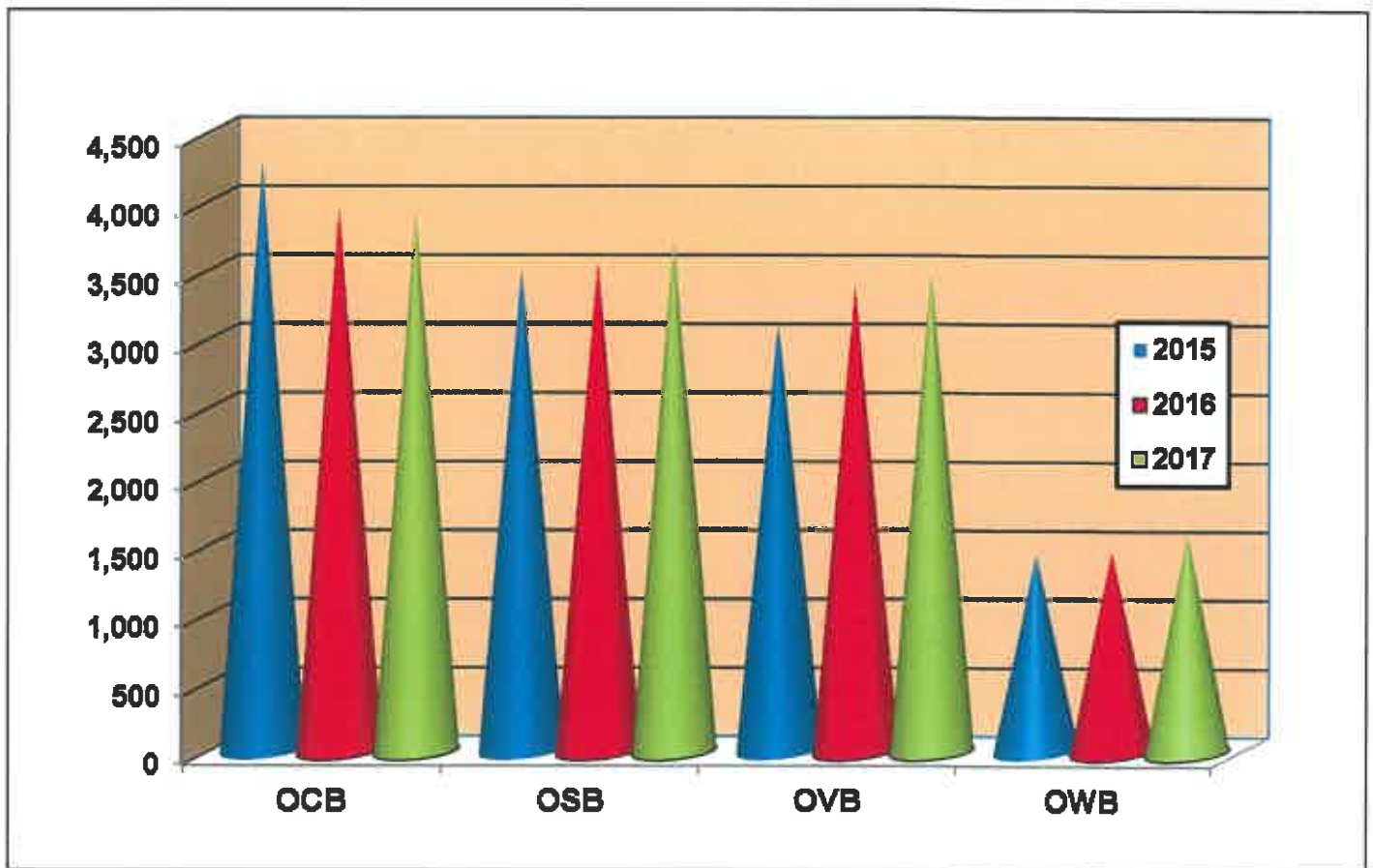
Registration

Sex offenders are required to update all residence addresses and provide all employment and vehicle information annually. This information must also be provided following release from incarceration. Registrants must complete a change-of-address registration within five days of moving to another address. Transients must complete an update registration every 30 days, and Sexually Violent Predators (those previously civilly committed to a state mental health facility) must register every 90 days.

REACT investigations also determine which registrants are incarcerated, have been deported, have moved without notification (either within California or out of state), are deceased, are no longer required to register, or have absconded. Maintenance of registration record accuracy requires constant auditing and verification. During 2017, REACT investigators completed **12,724** registration forms (expanded in 2012 to a 5-page format). This represents a 3.0% increase from 2016.

Central REACT is burdened with 65% of the City's transient sex registrant population. This significantly increases Central REACT's registration obligation, workload and their resulting registration numbers due to the legal requirement that this transient population must re-register every 30 days.

Registrations by Bureau



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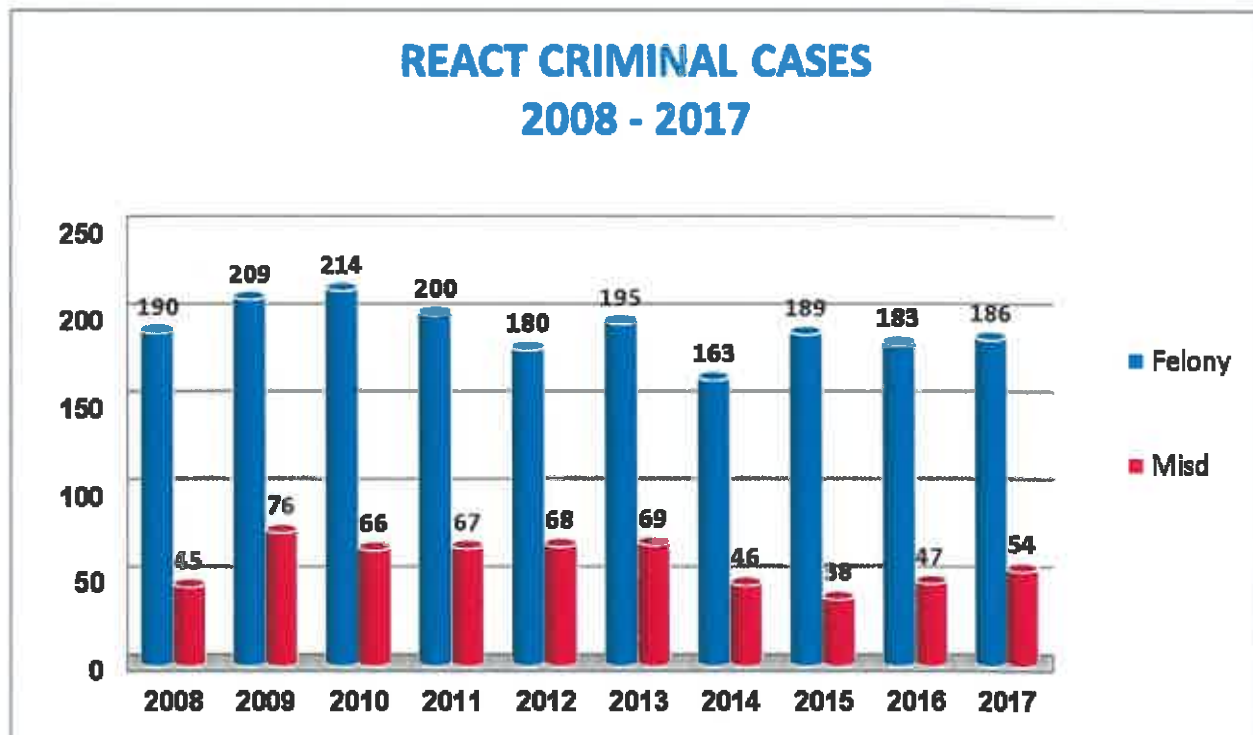
DNA Collection

State law mandates a one-time collection of DNA from current registrants. DNA must be collected for new registrants, in instances of an insufficient prior sample, and when previous registering agencies did not collect a sample. During 2017, REACT investigators obtained 103 DNA samples from registrants that were required to provide a sample and had not provided one. All samples were mailed to the State DNA Laboratory in Livermore, California and subsequently uploaded into the Combined DNA Index System (CODIS).

Enforcement of Registration Laws

The Department's REACT units are one of the few full-time, investigative entities in the state dedicated to both sex offender tracking and registration enforcement. REACT has an extensive guideline for case investigation which is posted on the Department of Justice, California Law Enforcement Web (CLEW), as well as in the California District Attorney Association (CDA) manual *Investigation of Sexual Assault*.

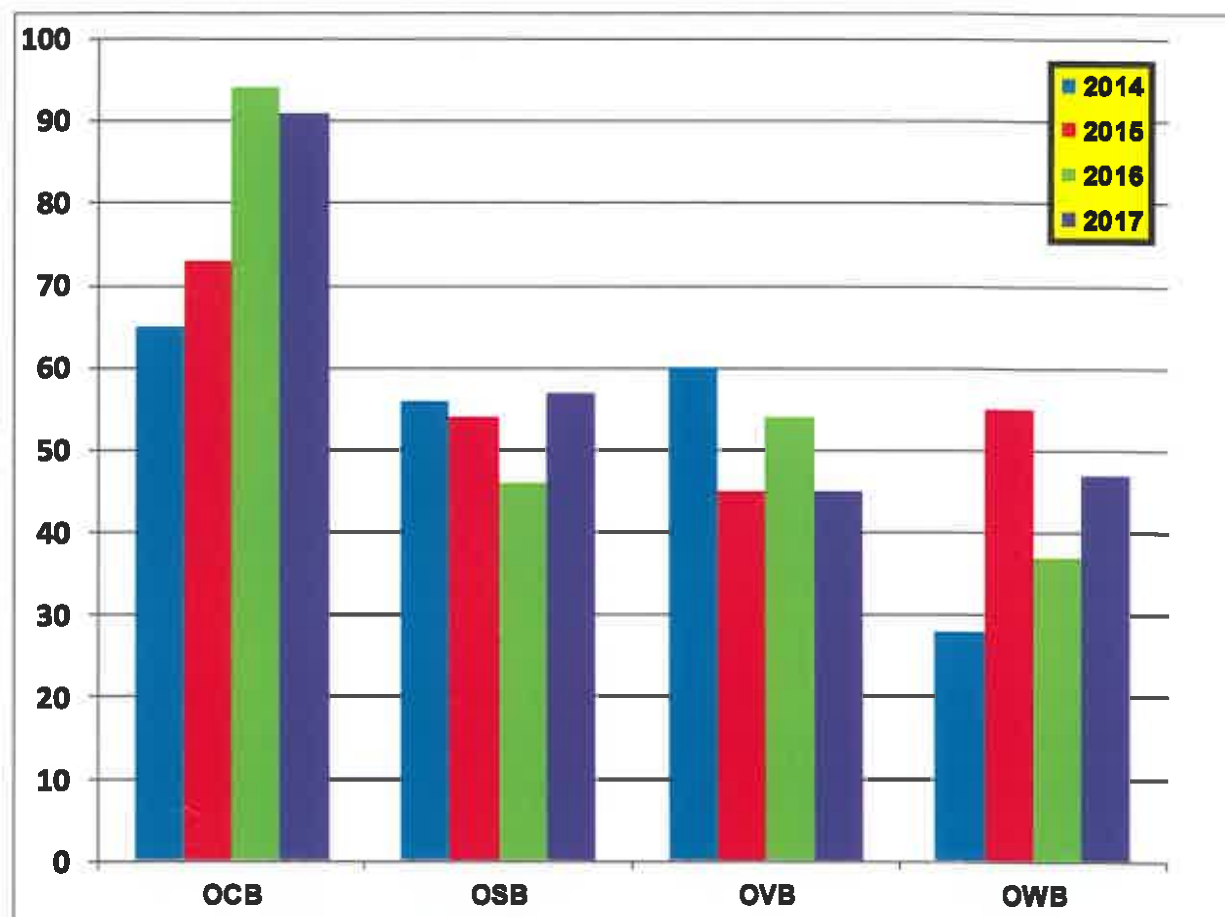
As a rule, failure-to-register is a felony when the qualifying sex crime conviction was a felony. REACT investigators pursue both felony and misdemeanor failure-to-register cases, placing an emphasis on felony case presentations. Misdemeanor cases for failure-to-register are the foundation for future felony filings.⁷



⁷ When the qualifying sex crime conviction is a misdemeanor, the first failure-to-register conviction is a misdemeanor; subsequent failure-to-register violations become eligible to be filed as felonies. The third or fourth transient violation can be a filed as a felony, depending on the level of the qualifying conviction.

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Filed Failure to Register cases by Bureau: 2014-2017



REACT Unit	2014 290 PC cases	2015 290 PC cases	2016 290 PC cases	2017 290 PC cases
OCB (9 officers)	65	73	94	47 (Bureau unit) + 54 (Division units)
OSB (7 officers)	56	54	46	57 [+2]
OVB (5 officers)	60	45	50 [+4]	45 [+3]
OWB (5 officers)	28	55	37	47
Totals:	209	227 [+6]	227 [+4]	240 [+5]

Note: in 2017, REACT Investigators filed five non-290 PC cases against sex registrants including Assault on Peace Officer, Indecent Exposure with a Prior, Possession of Obscene Matter (2 cases) and Robbery.

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REACT units in Operations-South Bureau are not centralized and still operate out of the four geographic areas. Supervision of these REACT units is an ancillary duty of detective supervisors from the respective sex crimes tables. The number of criminal cases filed by the Operations-South Bureau REACT units is captured below.

REACT Unit	2014 290 PC cases	2015 290 PC cases	2016 290 PC cases	2017 290 PC cases
77th Street	12	8	9	18/1
Harbor	21	17	10	5
Southeast	16	14	19	20/1
Southwest	7	15	8	14

Felony Case Sentencing Results

The overwhelming majority of the failure-to-register cases from 2017 were filed as felonies. These can result in state prison sentences of 16 months, 2 years, 3 years, or longer. Failure to register cases can be subject to “Three Strikes” sentencing—hence the possibility of a doubled prison term. In 2017, the 186 felony cases⁸ filed resulted in the following sentencing or other dispositions:

State Prison: Total 31.2%

- **1 year or less: 2 Cases (1.1%)**
- **16 months-3 years: 48 Cases (25.8%)**
- **4-9 years: 8 Cases (4.3%)**

Felony Probation: 55 Cases (29.6%)

County Jail: one case

Summary Probation (reduced to misdemeanor): 8 Cases (4.3%)

State Hospital: none

Dismissed/Acquitted: 12 Cases (6.5%)

Pending Felony Cases, including warrants: 53 Cases (28.5%)

Note: Sentencing dispositions from previously pending 2016 cases showed that 50% received a state prison sentence.

⁸ There were also 54 misdemeanor failure-to-register cases filed by REACT investigators in 2017.

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Recommendations:

- 1) It is recommended that OCB REACT be consolidated back into one cohesive unit. The decision to decentralize OCB REACT has created challenges in efficiency and productivity. Many of their cases stem from offenders that abscond upon from parole supervision. A significant number of their offenders have been assessed as "Above Average Risk," or "Well Above Average Risk" for sexual recidivism.⁹ Many also have high risk levels for general recidivism, including violence. The Mid-City parole office relies on REACT to file criminal cases on parolees that abscond. When brought to the Department's attention that a sex registrant has committed a felony, the case must be investigated and presented for filing consideration.
- 2) The REACT Coordinator continues to recommend that the REACT units in Operations-South Bureau (OSB) be consolidated into one Bureau REACT unit operating out of 77th Street Station, with Harbor maintaining a satellite office for conducting registration. Over one-third of the active sex offenders and almost half of the Above Average Risk Sex Offenders in the City of Los Angeles reside and register in OSB. There are now more sex offenders registering and residing in 77th Street alone than in all five patrol divisions of West Bureau combined. In regard to sex offender enforcement and compliance, the residents of South Bureau are the most underserved in the City.
- 3) It is recommended that two additional investigators be assigned to the 77th Street REACT unit and one additional to the Southeast REACT units. The REACT units at 77th Street and Southeast each currently have two investigators. The lack of personnel has reduced the ability of both 77th Street and Southeast REACT to complete their required tasks, which includes detecting, investigating, and filing criminal cases against sex offenders that are in violation of their registration requirements.
- 4) It is recommended that OVB REACT increase the number of assigned investigators back to six. The reduction in staffing has made it more difficult to identify and prosecute registrants that are in violation of their registration requirements. Many more violations are being committed than the number that are currently being detected and/or prosecuted. OVB REACT averaged almost 100 criminal cases per year from 2009 to 2013. This average has dropped to 50 cases from 2014 to 2017 due to staff shortages.
- 5) It is recommended that the Department establish and work to maintain a ratio of 1/200 between investigators and registrants in all REACT units and reduce this ratio to 1/150 for any REACT unit that has ten percent, or more of its registrant population registering as transient.
- 6) It is recommended that REACT units, especially in Central Bureau, be moved underneath the Chain-of-Command of Robbery-Homicide Division/Detective Bureau.

Submitted by Detective III Lauren Rauch, REACT Coordinator, Robbery-Homicide Division, July 25, 2018.

⁹ A SARATSO (State Approved Risk Assessment Tool for Sex Offenders)/DOJ Study revealed that over 29% of Above Average Risk sex offenders, as determined by the Static-99R, committed a new sex offense within five years of release from prison.