

NEVADA'S GUIDELINES AND  
PROCEDURES FOR COMMUNITY  
NOTIFICATION OF

**ADULT SEX OFFENDERS**

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Issued Pursuant to NRS 179D.710 by the Office of the Attorney General  
in Consultation with the Advisory Council for Community Notification

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**NRS CHAPTER 179D COMMUNITY NOTIFICATION GUIDELINES FOR  
ADULT SEX OFFENDERS  
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## **1.00 Introduction and Overview.**

1. The 1997 Nevada Legislature has taken another significant step toward improving public safety by ensuring that law enforcement officials and carefully selected organizations and members of the community are made aware of the sex offenders in their community as well as the offenders' whereabouts.
2. The 1997 Nevada Legislature approved Senate Bill 325, hereinafter referred to generally as NRS Chapter 179D which requires risk assessments and community notification of all adult and certain juvenile sex offenders present for 48 hours or more within the state pursuant to NRS 179D.240.
3. NRS Chapter 179D also establishes a statewide registry of sex offenders and offenders convicted of certain crimes against children in addition to establishing a program to provide the public with access to certain information in the statewide registry. Certain provisions concerning the registration of sex offenders have been revised, along with revisions relating to community notification of adult and certain juvenile sex offenders.
4. NRS 179D.600- 179D.800, charge the Nevada Attorney General with the responsibility, in consultation with an advisory council, of developing guidelines and procedures for notifying the community of the whereabouts of sex offenders. The law provides for a graduated, 3- Tier system of notification, with increasingly broader levels of notification implemented depending upon whether an offender's risk of re-offense and threat to public safety is assessed as low, moderate, or high. The community notification provisions of NRS Chapter 179D apply to all sex offenders and became effective July 1, 1997.

## **1.10 Scope of Application.**

1. The community notification provisions of NRS Chapter 179D apply to all adult sex offenders who are present or who reside in the state for 48 hours or more. The provisions are applicable to persons convicted of any offense defined as a "sexual offense" pursuant to NRS 179D.620. The provisions of NRS Chapter 179D are retroactive as they relate to adult offenders.
2. The objective of these guidelines is to provide guidance for the implementation and operation of NRS Chapter 179D to law enforcement agencies and to the general public. Any conflict between these guidelines and the provisions of NRS Chapter 179D shall be resolved so as to comport with the provisions of NRS Chapter 179D.

## **1.20 Statutory Requirements.**

1. As noted, the attorney general, in consultation with the advisory council, is required to establish guidelines and procedures for community notification pursuant to NRS 179D.600 to NRS 179D.800 inclusive. These guidelines and procedures establish a Tier level risk assessment methodology, which incorporates a list of non-exhaustive factors set forth in NRS 179D.720. The guidelines and procedures further provide for notification procedures utilizing a 3-Tier scale that correlates to the assessed risk of re-offending
2. The advisory council, consisting of three (3) executive and four (4) legislative appointees, is required to consult with, and provide recommendations to, the attorney general concerning the guidelines and procedures for community notification. The council members serve terms of four (4) years and may be re-appointed for additional terms of four (4) years in the same manner as the original appointments. By establishing a continuing advisory council, NRS Chapter 179D

allows for the periodic review by the attorney general of Nevada's community notification guidelines and procedures in consultation with the advisory council.

3. Actual implementation of the notification procedures is to be carried out by the local law enforcement agency in whose jurisdiction a sex offender is present for 48 hours or more pursuant to NRS 179D.240.

## **2.00 Definitions.**

As used in these guidelines and procedures, unless the context otherwise requires:

1. "Low Risk" means that an offender has been determined by a risk assessment as posing only a possible risk of recidivism and threat to public safety.
2. "Moderate Risk" means that an offender has been determined by a risk assessment as posing a substantial risk of recidivism and threat to public safety.
3. "High Risk" means that an offender has been determined by a risk assessment as posing a probable risk of recidivism and threat to public safety.
4. "Reasonably Likely to Encounter" means that the law enforcement agency, school, camp, day care center, youth organization, religious, or other community or individual member of the community, are in a location or are in geographic proximity to a location where an offender resides, works, visits or can be presumed to visit on a regular basis. The term shall not be construed so broadly as to include a mere possibility of encountering the offender, and shall not be construed so narrowly as to require a probability of encountering the offender. If the sex offender is assigned a Tier 2 or Tier 3 level of notification and the sex offender has committed a sexual offense against a person less than 18 years of age, "reasonably likely to encounter" also includes: Motion picture theaters, other than adult motion picture theaters, reasonably likely to encounter the sex offender; and businesses, reasonably likely to encounter the sex offender, and which primarily have children as customers or conduct events that primarily children attend. Adult motion picture theater has the meaning ascribed to it in NRS 278.0221.
5. "Sexual Offense" is defined in NRS 179D.620.
6. "Sexually Violent Offense" is defined in NRS 179D.420.
7. "Sexually Violent Predator" is defined in NRS 179D.430.
8. "Adult Sex Offender" for purposes of Community Notification, is any person considered a sex offender pursuant to NRS 179D.610.
9. "Victim" as defined in these guidelines is:
  - (a) A person who has been injured or killed as a direct result of the commission of a crime, listed in NRS Chapter 179D; or
  - (b) A relative of a person described in paragraph (a). For the purposes of this paragraph, a "relative" of a person includes:
    - (1) A spouse, parent, grandparent or stepparent;
    - (2) A natural born child, stepchild or adopted child;
    - (3) A grandchild, brother, sister, half brother or half sister;
    - (4) A parent of a spouse; or
    - (5) A legal guardian of a person described in paragraph (a).

10. "Central Repository" means: the central repository for Nevada records of criminal history, including the Sex Offender Registry, under the Nevada Department of Public Safety.

### **3.00 Risk Assessment; Purpose of Assessment.**

1. Purpose of Risk Assessment: Assessments are to be performed on all adult sex offenders, and certain juvenile sex offenders to assess the offender's risk of recidivism and threat to public safety. Each offender will be assigned a Tier level based upon a risk assessment pursuant to NRS 179D.720.

2. Risk Assessment: The Tier level risk assessment shall be accomplished by the Manager of the Central Repository or his or her designee. In assessing those offenders who have had any prior contact with the Nevada Department of Corrections (NDOC), the Director of the NDOC or his or her designee is to provide input including, but not limited to the following:

- (a) Physical conditions that minimize the risk of recidivism, including advanced age or debilitating illness;
- (b) Psychological or psychiatric profiles;
- (c) The response of the sex offender to treatment;
- (d) Any recent threats against a person or expressions of intent to commit additional crimes; and
- (e) Behavior while confined.

The Manager of the Central Repository or his designee is to consider such input and, in assessing all offenders, is to seek access to all available records necessary to address the above listed subjective factors and the other factors addressed in NRS 179D.720, including the following:

- (f) Conditions of release that minimize the risk of recidivism, including probation or parole, counseling, therapy or treatment;
- (g) Whether the conduct of the sex offender was found to be characterized by repetitive and compulsive behavior;
- (h) Whether the sex offender committed the sexual offense against a child;
- (i) Whether the sexual offense involved the use of a weapon, violence or infliction of serious bodily injury; and
- (j) The number, date and nature of prior offenses.

In the process of assessing the offenders having some contact with the NDOC, the Manager of the Central Repository or his designee is to access and consider the offender's prison medical records, his prison disciplinary record, and all the chronological data entries made by the NDOC on the offender.

3. Risk Assessment Methodology: As of this version of these guidelines, a Risk Assessment Methodology is in place. Any amendment to the methodology shall be made by the Manager of the Central Repository or his or her designee. Changes to the methodology shall not be finalized unless input is requested in writing, by the Manager of the Central Repository or designee, from the NDOC Director and the Director of Mental Health Developmental Services or their designees. If no input is received by the Manager of the Central Repository within 30 days of mailing his written request for input, he may make changes without the input. Factors of the methodology shall include, but not be limited to:

- (a) Conditions of parole release that reduce the risk of recidivism and threat to public safety such as the offender's eligibility for anticipated placement in, and potential

- for positive rehabilitative response to, any program of counseling, therapy or treatment;
- (b) Any physical conditions that reduce the risk of recidivism and threat to public safety, such as advanced age, physical disability, or debilitating illness;
  - (c) Any matters that are part of the offender's criminal history and which are indicative of a high risk of recidivism or threat to public safety, including but not limited to:
    - (1) The number, date and nature of any prior offenses;
    - (2) Whether the conduct of the offender with regard to current or any prior offenses was determined by a court of competent jurisdiction to be characterized by repetitive or compulsive behavior;
    - (3) Whether current or any prior offenses were committed against a minor, a disabled person or a person 65 years of age or older;
    - (4) Whether current or any prior offenses involved the use or threatened use of a weapon, force or violence;
    - (5) Whether current or any prior offenses resulted in the infliction of physical or mental injury to a victim, and the extent of any such injury;
    - (6) Information contained in any victim impact statement;
    - (7) The relationship, if any, between the offender and any previous victim of the offender;
    - (8) The offender's age at the time the offender committed his first criminal offense.
    - (9) Any psychological or psychiatric profiles of the offender which indicate a risk of recidivism and continuing threat to public safety;
    - (10) The offender's response to any psychological or psychiatric treatment programs;
    - (11) Any recent threats against a person or expressions of intent to commit additional crimes;
    - (12) The offender's behavior while confined in a penal or other institution as a result of current or any prior offense;
    - (13) Whether the offender carries any sexually transmittable disease; and
    - (14) Any other factors deemed relevant in assessing an offender's likelihood of re-offending and threat to public safety.

The risk assessment methodology is merely a guideline, the Manager of the Central Repository, or his or her designee, shall have the capability to over-ride any tier level risk assessment. If the Manager of the Central Repository, or designee, exercises an over-ride, the Manager, or designee, shall indicate in writing why the over-ride was exercised.

4. Risk Assessment Information: The assessment of the risk of recidivism of a sex offender may be based upon information concerning the sex offender obtained from agencies of this state and agencies from other jurisdictions.

#### **4.00 Risk Assessment Information; Confidentiality.**

1. Pursuant to NRS 179D. 720, each person who is conducting the Tier level risk assessment must be given access to all records of the sex offender that are necessary to conduct the Tier level risk assessment. The sex offender shall be deemed to have waived all rights of confidentiality and all privileges relating to those records for the limited purpose of the Tier level risk assessment, any request for reconsideration, and any appeal there from.

2. All materials and information received by the Manager of the Central Repository or his or her designee for purposes of conducting the Tier level risk assessment shall be kept in a file

which utilizes the offender's name, state identifier number, or any other necessary information as an identifier, and such file shall be maintained and archived by the Central Repository after the Tier level risk assessment process is completed.

3. Following the Tier level risk assessment and any decision of the Reconsideration Assessment Panel rendered following a hearing upon an offender's request for reconsideration, only the information specified in section 8.10 of these guidelines and procedures shall be disseminated by the Reconsideration Assessment Panel, the Central Repository, and any local law enforcement agency or agencies responsible for carrying out the notification process.

### **5.00 Risk Assessment Procedures; Timing.**

1. Sex Offenders Eligible for Parole: Unless extraordinary circumstances occur, the Manager of the Central Repository or his or her designee will complete the Tier level risk assessment at a minimum of 25 days prior to the date the offender is released on parole or granted compassionate release.

2. Sex Offenders Whose Sentence Shall Expire: Unless extraordinary circumstances occur, the Manager of the Central Repository or his or her designee will complete the Tier level risk assessment at a minimum of 25 days prior to the date the incarcerated offender's sentence shall expire.

3. Sex Offenders Under Supervision of Interstate Compact: Unless extraordinary circumstances occur, the Manager of the Central Repository, or his/her designee, will complete the Tier level risk assessment of the offender a minimum of 30 days after receipt of a request for investigation from the sending state.

4. Sex Offenders Eligible for Probation: Unless extraordinary circumstances occur, the Manager of the Central Repository or his or her designee will complete the Tier level risk assessment within 60 days after receipt of documentation on the offender.

5. Sex Offenders Residing in the State but not under Supervision: The Manager of the Central Repository or his or her designee shall complete the Tier level risk assessment within 90 days of being notified that a sex offender has registered with local law enforcement. Once the Central Repository has compiled the necessary information, the Tier level risk assessment will be completed and the Tier level risk assessment will be submitted to the local law enforcement agency where the offender resides.

### **5.10 Notification of Tier Assessment to Offender and Local Law Enforcement.**

1. Notification to Local Law Enforcement: The Central Repository shall notify local law enforcement of the Tier level risk assessment upon completion.

2. Sex Offenders who are Incarcerated: If the offender is incarcerated, prison officials shall personally serve the offender with the Tier level risk assessment immediately upon receipt from the Central Repository. Service shall be deemed effective on the date the offender is personally served with the risk assessment.

3. Sex Offenders not Incarcerated: If the offender is not incarcerated, the Central Repository shall notify the offender of the Tier level risk assessment upon completion. Service shall be deemed effective: (a) three (3) days after mailing to the offender's last known address, excluding the date postmarked; or (b) the date on which the risk assessment was personally served on the offender, whichever occurs first.

4. Contents of Notification: The notice of the Tier level risk assessment provided to the offender shall indicate the factors relied upon in reaching the decision and designated Tier level. The notice shall also include a brief statement informing the offender of the right to request a hearing before a Reconsideration Assessment Panel to review a Tier level of 2 or 3, and shall specify where such a request for review is to be served.

#### **6.00 Offender Request for Reconsideration.**

1. An offender may request reconsideration of a Tier 2 or Tier 3 risk assessment. An offender may not request reconsideration of a Tier 1 risk assessment.
2. If an offender is incarcerated, to request reconsideration of an assessment of Tier level 2 or 3 before a Reconsideration Assessment Panel, the offender must serve the request for reconsideration by delivering the request to prison officials or the Central Repository not later than ten (10) days after the date the offender is served with notice of the Tier level risk assessment pursuant to section 5.10 above. The prison official receiving such request for hearing and reconsideration shall clearly mark on the document the date the document was received by the official.
3. If an offender is not incarcerated, to request reconsideration of the risk assessment of Tier 2 or 3 before a Reconsideration Assessment Panel, the offender shall serve the request for reconsideration on the Central Repository: (a) by personally delivering the request to the Central Repository not later than ten (10) days after the date the offender is served with notice of the Tier level risk assessment, pursuant to section 5.10 above; or (b) by mailing the request to the Central Repository in a letter that is postmarked not later than ten (10) days after the date the offender is served with notice of the Tier level risk assessment, pursuant to section 5.10 above.
4. If the Central Repository receives a timely request for reconsideration from an offender pursuant to this section, the Central Repository shall set a hearing before the Reconsideration Assessment Panel, indicating when such request was received.
5. An offender's request for reconsideration SHALL include a concise statement concerning why the offender believes that the Tier level risk assessment to be in error, specifying those factors in the risk assessment which the offender intends to rebut, and indicating the Tier level the offender believes should have been designated. FAILURE TO TIMELY REQUEST RECONSIDERATION OF THE TIER LEVEL RISK ASSESSMENT AND PROVIDE A STATEMENT AS DESCRIBED ABOVE SHALL BE DEEMED A WAIVER OF THE OFFENDER'S RIGHT TO A HEARING.
6. Upon receipt of an offender's request for reconsideration, the Central Repository shall notify local law enforcement of the Tier level risk assessment, as determined by the Central Repository. In this notice, the Central Repository shall include a warning that the Tier level risk assessment is subject to change as the offender has made a reconsideration request. Upon receipt of this notice, a local law enforcement agency may, in line with the preliminary tier assessment and using its discretion, notify the community of the offender if the local law enforcement agency determines that the offender will pose a danger to the community during the pendency of the reconsideration of the offender's Tier level risk assessment.

#### **6.10 Reconsideration Assessment Panel.**

1. Reconsideration hearings shall be heard by the Reconsideration Assessment Panel, to consist of the Chairman of the Board of Parole Commissioners and the Administrator of Mental

Health and Developmental Services or their designees. Reconsideration hearings are open and public meetings as set out in Chapter 241 of the Nevada Revised Statutes.

2. The Reconsideration Panel, shall, within 90 days after service of a request for hearing and reconsideration, conduct a hearing to review the challenged risk assessment and designated notification Tier level.

- (a) Not later than 20 days prior to the date set for such hearing, the Central Repository shall provide written notice of the hearing to any interested person, or victim, who has submitted a written request for notification of hearings regarding a specific offender and has included a current address for notification. At any hearing to reconsider an assessment performed pursuant to these guidelines, any victim of the offender shall be allowed to address the Reconsideration Assessment Panel, and any victim or other interested person shall be allowed to submit documents to the Reconsideration Assessment Panel. Documents shall be submitted to the Central Repository not less than five (5) days prior to the hearing.
- (b) Not later than 20 days prior to the date set for the reconsideration hearing, the Central Repository shall provide, upon request, the offender with copies of all available materials in the offender's risk assessment file. In accordance with NRS 213.1075, the Central Repository shall not be required to disclose any records concerning supervision of the offender, which are maintained by the Central Repository, or victim impact letters. If a letter or other document submitted by a victim or other interested person to the Central Repository is included in such materials, the Central Repository shall redact any identifying information. The Central Repository shall not be required to disclose any information, which it determines may pose a substantial threat to the safety of a victim or public safety.
- (c) If the offender is residing in Nevada, the Reconsideration Assessment Panel shall permit the offender to appear personally and to present evidence the Reconsideration Assessment Panel deems relevant and material to reconsideration issues. If the offender is not residing in the State, the offender may appear personally or telephonically and/or forward such evidence, and the Reconsideration Assessment Panel will review such relevant and material evidence during such reconsideration.
- (d) Following the offender's presentation or the review of the evidence, the Reconsideration Assessment Panel may receive rebuttal evidence, as the Reconsideration Assessment Panel deems relevant and material to such reconsideration issues.
- (e) The Reconsideration Assessment Panel shall render its decision not later than ten (10) days following the completion of the hearing. Notice of the decision shall be accomplished following the procedures outlined in section 5.10 above.
- (f) All materials received by the Central Repository for the purpose of conducting the Tier level risk assessment shall be placed into the offender's risk assessment file and maintained by the Central Repository.
- (g) All information obtained and maintained by the Central Repository concerning risk assessments shall be kept strictly confidential, unless otherwise provided in these guidelines.

## **6.20 Communication of Reconsideration Assessment Panel Determination; Record Retention.**

1. The Reconsideration Assessment Panel shall communicate its final determination and designated notification Tier level to the Central Repository within ten (10) days after rendering its decision. The Central Repository will then notify the offender of the determination following the procedures outlined in section 5.10 above. The Central Repository shall promptly notify local law enforcement if there is any change in the Tier level risk assessment.

2. In the event an offender relocates to another state, the Central Repository shall transmit a copy of the offender's risk assessment file to the appropriate agency in the receiving state, if requested by that state. The Central Repository shall maintain custody of the risk assessment file, and except as otherwise provided by law or by these guidelines and procedures, shall maintain such records as confidential in accordance with the provisions of section 4.00 above.

## **7.00 Change in Level of Notification After Unlawful or Harmful Act.**

Upon notification to the Central Repository that the offender has been convicted of a new offense that threatens the safety of others, or annoys, harasses, or intimidates a victim of one of his/her sexual offense or commits an overt act which is sexually motivated or involves the use or threatened use of force, the Manager of the Central Repository or his or her designee may reconsider the offender's Tier level risk assessment, and notify the offender following the procedures outlined in section 5.10 above. If the Manager of the Central Repository or his or her designee changes the Tier level pursuant to this section, the offender may request a reconsideration of that change, following the procedures provided in section 6.00.

## **7.10 Reassessment after Ten Years.**

1. An offender may submit a petition to the Chief Deputy of the Criminal Division of the Attorney General's Office for reassessment, pursuant to NRS 179D.760, following ten (10) consecutive years of being subject to community notification requirements during which the offender has not been convicted of an offense that poses a threat to the safety or well being of others, as defined in NRS 179D.060. The Attorney General's Office will then forward such petition to the Manager of the Central Repository or his or her designee. The Manager of the Central Repository, or his or her designee, will complete a reassessment of the offender's tier level, taking into account input from the Attorney General's office, within 90 days. Notification of the reassessment shall then be made to the offender and law enforcement following the procedures outlined in sections 5.10 and 6.00.

- (a) If the offender is currently assigned a Tier Level 1, the offender may be reassigned at the current Tier level, or relieved from further Community Notification requirements.
- (b) If the offender is currently assigned a Tier Level 2 or 3, the offender may be reassigned at the current Tier level or be assessed at one (1) Tier below the current level.

2. Following the offender's first ten (10) year reassessment the sex offender may petition for reassessment after each succeeding interval of five (5) consecutive years, if the offender is not convicted of an offense that poses a threat to the safety or well being of others, as defined in NRS 179D.060.

## **8.00 Community Notification Procedures; Levels of Notification; Responsibility for Notification.**

1. Low Risk: Tier 1 Notification: If an offender's risk of recidivism and threat to public safety is determined by the risk assessment to be low, the informational items specified in section 8.10 of these guidelines and procedures shall be provided by the Central Repository to the local law enforcement agency where the offender is residing or working, or expected to reside and to work, or which are otherwise reasonably likely to encounter the offender. All offenders convicted of a sexual offense specified in 179D.620, at a minimum, will be designated as a low risk offender subject to Tier 1 notification.
  
2. Moderate Risk: Tier 2 Notification: If an offender's risk of recidivism and threat to public safety is determined by the risk assessment to be moderate, in addition to the notification provided by the Central Repository to local law enforcement under Tier I, notification of the informational items specified in section 8.10 of these guidelines and procedures shall be provided by local law enforcement to any school districts, camps, day care centers, youth organizations, or other qualifying religious or community organizations within the local law enforcement agency's jurisdiction that care for or otherwise provide programs for children or women and which are reasonably likely to encounter the offender, once the local law enforcement using its judgment, discretion, training, and experience, has determined that such organization is reasonably likely to encounter the offender. If the offender is convicted of a sexual offense against a person less than 18 years of age, notification shall also be provided by local law enforcement to: motion picture theaters, other than adult motion picture theaters, reasonably likely to encounter the sex offender; and businesses, reasonably likely to encounter the sex offender, and which primarily have children as customers or conduct events that primarily children attend. Adult motion picture theater has the meaning ascribed to it in NRS 278.0221.
  
3. High Risk: Tier 3 Notification: If an offender's risk of recidivism and threat to public safety is determined by the risk assessment to be high, in addition to the notification provided under Tiers 1 and 2 as set forth above, notification of the informational items specified in section 8.10 of these guidelines and procedures shall be provided by local law enforcement to those individual members of the community within the local law enforcement agency's jurisdiction that are reasonably likely to encounter the offender and who, in the local law enforcement agency's considered judgment are appropriate individuals to receive such notification.
  
4. Organizations Eligible to Receive Notification: School districts, private educational institutions, camps, day care centers, foster care centers or homes, and those religious or other community organizations that care for or otherwise provide services to and programs for women and children shall receive notification once the local law enforcement agency, using its judgment, discretion, training, and experience, has determined that such organization is reasonably likely to encounter the offender. Any group, agency, or organization, which provides services to women and children, should be encouraged to register with law enforcement to receive notification. Information to be included in the registration statement shall include the organization's address, the name and telephone number of a person to contact for purposes of coordinating notification, and a concise description of the particular services and programs which the organization provides for children or women. Upon confirming that an organization requesting notification does in fact provide the services or programs for children or women, as described in the registration statement, and that the group, agency or organization is reasonably likely to encounter the offender, the local law enforcement agency shall include such organization on a notification list to be utilized when implementing notification at the Tier 2 and 3 levels.

5. Methods of Notification: In providing community notification at the Tier 2 and Tier 3 levels, the local law enforcement agency responsible for carrying out such notification shall, in its discretion, and on a case-by-case basis, employ such methods of disseminating the information specified in section 8.10 below as the agency deems to be cost and resource effective. For instance, when disseminating information at the Tier 2 level, the local law enforcement agency may elect to conduct informational meetings at the particular school or other organization eligible to receive notification, or may distribute informational fliers to the head administrator of any such organization. When disseminating information at the Tier 3 level, the local law enforcement agency may utilize door-to-door appearances, or may distribute informative fliers by mail or by other methods. When disseminating information at the Tier 2 or 3 levels, local law enforcement shall ensure that the methods employed are strictly designed to notify only those schools, organizations and members of the public reasonably likely to encounter the offender.

6. Law Enforcement Discretion: Local law enforcement agencies shall use their considered judgment and shall be entitled to discretion in identifying those schools, camps, day care centers, youth organizations, movie theaters, other businesses, and other qualifying organizations or individuals in such proximity to a particular offender as to be reasonably likely to encounter the offender and be an appropriate subject to receive community notification. In determining whether there is a reasonably likely chance such school, organization or individual will encounter a particular offender, and whether a particular organization or individual is an appropriate subject to receive notification, local law enforcement agencies may consider, without limitation, the following factors:

- (a) The physical geographic proximity of the school, organization or individual to the location where the offender resides, works, visits, or can be presumed to visit on a regular basis;
- (b) The physical size and population density of the geographic area or municipality within the agency's jurisdiction;
- (c) The proclivity of the offender to visit particular locations or types of locations;
- (d) Any physical characteristics such as age, disability or illness that limits or otherwise affects the offender's activity level or mobility;
- (e) The circumstances surrounding any previous crimes committed by the offender;
- (f) Whether a particular organization cares for or provides services to individuals that have characteristics that are the same or are similar to those of any previous victim of the offender;
- (g) Whether a particular individual has characteristics that are the same or are similar to those of any previous victim of the offender;
- (h) Any other relevant factors deemed appropriate for consideration by the local law enforcement agency.

7. Warnings to Accompany Tier 2 and 3 Notification: When providing notification to schools, organizations or individuals pursuant to Tier 2 or Tier 3 notification, local law enforcement shall specifically advise the entities and individuals receiving such information that they should make the information available to family members, organization members and to the parents or guardians of students. Rather than sending flyers home with students, schools may decide to inform parents, guardians or legal custodians of students, through newsletters or parent-teacher meetings, that the information is available from the principal or the principal's designee. For Tier 3 notification to apartment or trailer park managers, heads of park or recreational facilities or campgrounds, local law enforcement shall advise these persons to make this information available to visitors, patrons and tenants. Local law enforcement shall specifically advise any individuals receiving notification under Tier 2 or Tier 3 that any acts of recrimination or vigilantism against the offender are unlawful, and will likely subject the

individual engaging in such acts to civil liability as well as criminal prosecution. When providing organizations and individuals with information under Tier 2 and Tier 3, local law enforcement shall stress that such information is being imparted in order to promote public safety and awareness, and that persons receiving such information are not to take the law into their own hands, but are to promptly report any suspicious activity concerning the subject of the notification to local law enforcement officials.

8. Verification of Residence and Employment: Local law enforcement shall verify that the offender in fact resides and works at the addresses to be disclosed.

9. When Residence is Known: Only the general geographic location of the offender's residence shall be provided.

10. When Employment is Known: Only the general geographic location of the offender's employment shall be provided.

11. When Residence is Unknown: When a sex offender's residence cannot be verified as required by these guidelines, the local law enforcement agency shall notify the Central Repository, which shall then provide for statewide notification. The local law enforcement agency shall provide for community notification in accordance with the offender's designated Tier level.

- (a) Statewide notification of all assessed offenders, whose address can not be verified, may be accomplished by the Central Repository issuing law enforcement bulletins to local law enforcement agencies, containing the information specified in section 8.10 below, to the extent such information is available using any reasonable and necessary method.
- (b) Each local law enforcement agency which receives statewide notification of a Tier 2 or Tier 3 offender from the Central Repository pursuant to this section, shall distribute law enforcement bulletins containing the information specified in 8.10 below, to the extent such information is available, using all reasonable and necessary means to disseminate such information in accordance with these guidelines.

**Comment of the Advisory Council regarding Community Notification by local law enforcement**

In determining which schools, organizations, businesses and individuals are reasonably likely to encounter a particular sex offender, a local law enforcement agency should exercise reasoned judgment based upon experience, common sense, the specific circumstances of the community in which notification is to be provided, and the characteristics, typical behavior, criminal history and predatory tendencies of the sex offender who is the subject of the notification. A local law enforcement agency is not expected or required to notify every possible school, organization, business or individual; within its jurisdiction for each particular sex offender who is subject to notification. While such extensive notification may be necessary for certain sex offenders or under certain circumstances, as a general rule, a local law enforcement agency may tailor the scope of its notification according to the specific characteristics of each particular sex offender and each particular location where notification is to be provided. Thus, a local law enforcement agency may determine the extent and scope of its notification by using the information concerning the sex offender that is available to the local law enforcement agency, the particular geographic and demographic characteristics of the jurisdiction in which the sex offender is located, and the local law enforcement agency's determination of the most effective methods of providing notification with respect to available resources.

For example, some sex offenders may prey only upon children of a certain age or gender, or only upon children who reside or attend school within close geographic proximity to the sex offender's residence or place of employment. If such information concerning a particular sex offender is available, then the local law enforcement agency providing community notification may focus its notification efforts on those schools, organizations, businesses and, if appropriate, members of the public who are most vulnerable to the sex offender's predatory tendencies. In such circumstances, though, no absolute rule or procedure can be or should be formulated. Instead, a local law enforcement agency should exercise reasoned judgment based upon experience and common sense when it provides any community notification pursuant to chapter 179D of NRS and these guidelines and procedures, with the ultimate objective being protection of the public.

Because protection of the public must be considered a cooperative effort between local law enforcement agencies and those schools and organizations that are eligible to receive notification pursuant to chapter 179D of NRS and these guidelines and procedures, such schools and organizations must take an active role in the notification process by registering with local law enforcement agencies and by keeping such registration current. Without such current registration, local law enforcement agencies will not have the necessary information to most efficiently and promptly notify the schools and organizations that are most vulnerable to the predatory tendencies of a particular sex offender.

### **8.10 Substance of Notification.**

1. All materials and information obtained concerning any Tier level designation, may be shared among all law enforcement agencies, as defined by NRS 179D.O50.
2. The information to be imparted by local law enforcement officials to qualifying organizations and individuals, to the extent such is available, under Tiers 2 and 3, shall consist of:
  - (a) A current photograph of the offender;
  - (b) A complete description of the offender;
  - (c) His name and all aliases which he has used or under which he has been known;
  - (d) Each offense listed under NRS 179D.620 for which the offender has been convicted, and a brief description of the circumstances of the crime, including but not limited to the month and year when any such offenses were committed, and the age and sex of any victim;
  - (e) A general description of the geographic area where any such offense was committed;
  - (f) The name and location of any penal institution from which the offender was paroled;
  - (g) A general location of the offender's residence and workplace;
  - (h) The description and license number of any vehicles owned or regularly operated by the offender;
  - (i) The location and telephone number of the parole and probation office responsible for supervising the offender, if the offender is under supervision.

### **8.20 Protecting Victim Identity.**

1. When providing notification to the community at the Tier 2 and Tier 3 levels, local law enforcement shall utilize such measures as it deems appropriate to avoid disclosing the identity of any victim of a sexual offense.

### **8.30 Training.**

1. The Central Repository shall establish training programs designed to ensure that Central Repository procedures are implemented in accordance with the provision of NRS Chapter 179D, and these guidelines and procedures.

### **9.00 Law Enforcement Discretion; Right to Notification.**

1. The above procedures for community notification are intended as guidelines only, and local law enforcement agencies shall be entitled to exercise discretion in determining what methods of notification to employ as well as those organizations and individuals that are appropriate subjects to receive notification. These guidelines are established in order to promote public safety in general, and are not intended to create any right to notification in any particular organization or individual or any duty to notify a particular organization or individual.

## **10.00 Annual Review.**

1. The Attorney General shall solicit input from the Manager of the Central Repository, Sheriff's and Chiefs from each local law enforcement agency, officials from each juvenile probation office, Director of the Youth Parole Bureau, the Director of the Nevada Network on Juvenile Sex Offenders, or their designees, and any other agency or person deemed appropriate by the Attorney General regarding the application of the Adult and Juvenile Community Notification of Sex Offender Guidelines as well as the necessity of any modifications thereto and consider such input in reviewing these guidelines annually.