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January 27, 2020

Sheriff Neil Warren  
1825 County Services Parkway  
Marietta, Georgia 30060  
Neil.Warren@cobbcounty.org

Dear Sheriff Warren,

It has come to our attention that your deputies are imposing invented requirements not contained in the Georgia Sex Offender Notification and Registration Act (SORNA). As this is a civil regulatory scheme and not a vehicle for punishment, we urge that you become familiar with the limitations of your office as it relates to SORNA and train your deputies and staff properly. The relevant language regarding your department's responsibilities and duties are listed in § 42-1-12. This State Sexual Offender Registry statute explicitly enumerates the information and frequency required of those required to register.

First, your office is requiring personal contact with registrants at their residences four to ten times a year at the deputies' discretion. § 42-1-12 and other statutes do not provide for this practice. The frequency for renewal is determined solely by tier and by date of conviction.

Second, it has come to our attention that your deputies are leaving cards demanding that the registrant call or face arrest. This is in excess of the 3-month, 6-month, and annual renewal requirements and is considered harassment. You do not have any authority to arrest a person who chooses not to call. Registrants are not required to call the sheriff's office simply because a deputy would like to have them do so. This is outside the scope of your authority and merely intended to harass the person. We strongly urge that you instruct your deputies to discontinue this practice of making threats of prosecution when there is no such legal requirement.

Third, your sheriffs are knocking on doors, demanding to speak with the registrants outside of reasonable hours. This too is harassment and beyond the scope of SORNA. Waking up registrants because you want to see them is not part of the civil regulatory scheme. As with other states, Georgia has a night-time warrant provision that specifies serving a warrant outside of normal hours. In the event that you absolutely must speak with a registrant, we urge you to review the warrant provisions which at a minimum will provide directives

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## **NATIONAL ASSOCIATION FOR RATIONAL SEXUAL OFFENSE LAWS**

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concerning hours of contact without exigent circumstances. We urge that you instruct your deputies to discontinue this practice immediately.

Fourth, we have been notified that upon either renewal or updates to information, registrants are being required to write their hours of work down on the registration form. § 42-1-12(16), "Required registration information," details what is required. It does not include work hours or any other details. § 42-1-12(16)(G) requires only "Date of employment, place of any employment, and address of employer." Any additional information demanded by your office, including hours and phone numbers, is beyond the scope of the statute and is in direct violation of the civil regulatory provisions. This practice needs to cease and desist immediately.

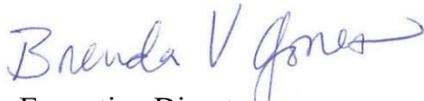
NARSOL strongly believes that Georgia statutes do not allow for any imposition of additional requirements or harassment of registrants. § 42-1-12 is very detailed, and had any of the behaviors you are engaging in been desired or allowed by statute, the General Assembly would have included them in the language of the statute. The behaviors listed above are not included in this code nor any other Georgia statute; thus, they are being undertaken without any legal authority. We have already verified that your department is engaging in the behaviors listed above, and we urge you to cease and desist immediately. In addition, we strongly urge that you do not invent requirements that are not in state SORNA statutes. If we do not hear from you that you are revising your practices, we will be forced to consider litigation.

We do recognize that your duties as sheriff require you to enforce SORNA. Those duties are clearly set forth in § 42-1-12. Those statutory requirements have no provision for a sheriff to impose his/her own additional obligations rather than enforcing only the legal obligations required of a sex offender.

We respectfully put all parties on notice that all records need to be preserved in this matter. This notice is in accordance with Ante Litem rules outlined in O.C.G.A. § 36-11-1.

In an effort to avoid costly litigation, we are asking that you respond to us within 30 days regarding these matters. As is our longstanding policy, we are sending you this letter because we prefer to seek alternative resolutions rather than going to court. NARSOL sent similar letters to the sheriffs in Spaulding and Butts counties prior to initiation of the two lawsuits currently pending. Litigation was the only option because neither sheriff took the time to respond to us.

Sincerely,

  
Executive Director