
**Section: THREE
Chapter: SEVEN**

SUBJECT: NYS Sex Offender Registry
ISSUE DATE: 08-15-16
REFERENCE: 28.1

I. PURPOSE

A. The purpose of Sex Offender Registration is to:

1. Protect the public from the danger of recidivism posed by sex offenders, especially those sexually violent offenders who commit predatory acts characterized by repetitive and compulsive behavior and to comply with Article 6-c of the New York State (NYS) Correction Law.
2. Establish the following Departmental procedures:
 - a. Registration for sex offenders.
 - b. Notification to entities with vulnerable populations.
 - c. Processing requests from the public to access sex offender information or viewing the Sex Offender Subdirectory.

II. DEFINITIONS

- A. Status Risk Level: The NYS Board of Examiners of Sex Offenders establishes the degree of risk recidivism of a sex offender by examining certain risk factors. The Board of Examiners of Sex Offenders identifies an offender as a status risk Level P, I, II, or III, which is contained on the DCJS Sex Offender Information Sheet.
- Status Risk Level P Offender means the offender is registered, but a risk level has not been determined by the NYS Board of Examiners.
 - Status Risk Level I Offender means it has been determined that the offender poses a low risk of recidivism.
 - Status Risk Level II Offender means it has been determined that the offender poses a moderate risk of recidivism.
 - Status Risk Level III Offender means it has been determined that the offender poses a high risk of recidivism and there exists a threat to public safety.
- B. Entities with vulnerable populations: Any school, group home, day care center, recreation center, community group, organization, association, or other organized collection of people whose overall make-up of members lends itself as a potential target of a sex offender or sexually violent predator. For example, a day-care center vulnerable to a Level III pedophile.
- C. Sex Offender: Includes any person who is convicted of any of the offenses set forth in subdivision two (2) or three (3) of Article 6-c, Section 168-A of the NYS Correction Law.
- D. Sex Offender Registration Coordinator (SORC): The Police Clerk is the Sex Offender Registration Coordinator (SORC) and is responsible for maintaining and updating the

Sex Offender Subdirectory, and maintaining liaison with the Sex Offender Registry Unit at the NYS Division of Criminal Justice Services (DCJS). The Sex Offender Registration Coordinator will also make recommendations to the Chief of Police, regarding community notifications for Status Risk Level II and III Offenders.

- E. Sexually Violent Predator: A person who has been convicted of a sexually violent offense as defined in subdivision three (3) of Section 168-A of the NYS Correction Law, or a sex offender as defined herein who suffers from a mental abnormality that makes such person likely to engage in predatory sexual conduct.
- F. Sex Offender Subdirectory: The subdirectory is provided to the Department by DCJS pursuant to Section 168-Q of the NYS Correction Law.

III. PROCEDURE

The only sex offender information released to the public will be as outlined in III A-1-a of this directive for persons whose date of crime was after January 21, 1996.

Note: In accordance with Criminal Procedure Law 720.35(1), Youthful Offender adjudication is not a judgment of conviction for a crime.

A. Information Requests From The Public

All Sex Offender Information requests will be directed to the SORC.

1. The SORC will:

- a. Disseminate redacted information regarding Status Risk Level II and III Sex Offenders as follows:

LEVEL P OFFENDERS	Not permitted to disseminate any information about the offender to the public, until notified by DCJS.
LEVEL I OFFENDERS	Not permitted to disseminate any information about the offender to the public.
LEVEL II OFFENDERS	Permitted to disseminate relevant information about the offender to include the offender's zip code, photograph, background information including the offender's crime of conviction, modus operandi, type of victim targeted, and description of special conditions imposed on the offender. Not permitted to release exact address.
LEVEL III OFFENDERS	Permitted to disseminate relevant information about the offender to <u>include the offender's exact address,</u> photograph, background information including the offender's crime of conviction, modus operandi, type of victim targeted, and description of special conditions imposed on the offender.

- b. Retain disseminated material on file for notification and viewing.
- c. Determine if the requestor is a vulnerable entity related to the criminal conduct of the offender and provide same with redacted sex offender information.

B. Requests To View The Level III Subdirectory

All requests to view the subdirectory will be directed to the SORC. Those requesting to view Level III Offenders in the subdirectory will be required to provide a valid written purpose (related to the criminal conduct of the offender) to the SORC.

1. The SORC will:
 - a. Contact the requestor with an assigned date and time to view the subdirectory.
 - b. Supervise the viewing.
NOTE: It is permissible for those viewing the subdirectory to take handwritten notes; however, copies and photographs are not permitted.
 - c. Document who viewed the subdirectory, the date and time of the viewing and retain on file along with the written request.

C. Department Initiated Community Notifications

The Chief of Police or his/her designee will be responsible for determining which entities have vulnerable populations related to the criminal conduct of the offender and for providing them with respective sex offender information. The Chief of Police or his designee will then make a community notification to the identified entities, using the following guidelines:

1. Prepare a notification package to the targeted entities informing them that a sex offender resides within the designated area. The package will only include an edited copy of the DCJS Sex Offender Information Sheet.
2. Notify the requestor or other vulnerable entity, in writing, that the disclosure or dissemination of such information is at the requestor's discretion and may be subject to civil and/or criminal liabilities from damages if it is shown that the requestor acted with gross negligence or in bad faith.
3. Be responsible for verification of the offender's residence prior to the dissemination of the notification package.
4. The SORC will ensure that the notification package is delivered to the targeted entities, and retain a copy after the community notification is made, indicating the date of delivery and to whom it was delivered.

D. Sex Offender Verification of Residence

Under the provisions of the Sex Offender Registration Act, those persons designated as Status Risk Level III Offenders are obligated to personally verify their place of residence with the local law enforcement agency every 90 days, or immediate notification of change of address. Status Level III Offenders will be directed to do so with the SORC during normal business hours Monday through Friday.

1. The SORC will:
 - a. Monitor all Status Risk Level III Offenders after receiving the DCJS Sex Offender Information Sheet, and determine the date the offender is to report to the Criminal Investigation Unit.
 - b. Notify the sex offenders who fail to re-register.
 - c. Enter the sex offender information into the DCJS Sex Offender Data Base, via e-Justice.
 - d. Complete the Sex Offender Address Verification Form and maintain the appropriate copy on file.
 - e. Obtain, as indicated, an updated photograph of the registering sex offender.
 - f. Provide sex offenders with the Sex Offender Change of Address Form, upon request.

E. Registrant Delinquency

In addition to Status Risk Level III Offender's 90-day residence verification with their local law enforcement agency, all Status Risk Level I, II, and III Sex Offenders must register annually with the DCJS. Failure to do so is punishable as a class A misdemeanor for the 1st offense, and a class D felony for subsequent offenses, pursuant to Section 168-t, NYS Correction Law.

The SORC will receive notification from DCJS that a sex offender has failed to annually register, and will monitor Level I, II, and III Offenders who have failed to appear for residence verification on the date assigned by the SORC.

1. When a notification has been received from DCJS, the SORC will:
 - a. Request a written verification from DCJS that the offender is delinquent in registering.
 - b. Contact the offender's probation or parole officer, when applicable, as to the offender's whereabouts, or a possible reason for delinquency.
 - c. Direct the offender to immediately register.
 - d. Apply for an arrest warrant for the offender if the offender cannot be located or is located and fails to register as directed.
2. When Level III Offenders have failed to appear for residence verification, the SORC will:
 - a. Contact DCJS to confirm the offender's continued status as a sex offender.
 - b. Request written receipt from DCJS confirming the individual's continued sex offender status.
 - c. Contact the offender's probation or parole officer, when applicable, and:
 - (1) Determine if a justification exists for delinquency;
 - (2) Notify them of the offender's delinquency.
 - d. Attempt to contact and locate the offender.
 - e. Direct the offender to immediately report to the SORC, if located.
 - f. Apply for an arrest warrant, if the offender cannot be located, or if located and fails to comply with the residence verification requirement.

F. Distribution

1. The Sex Offender Address Verification Form is maintained by the SORC.
2. Upon completion by the sex offender, ply 2 (yellow) of the Sex Offender Change of Address Form will be retained by the SORC.

By the Order of:

David B. Smith
Chief of Police