

**SENECA FALLS POLICE DEPARTMENT
GENERAL ORDER**

General Order: 580	Rescinds: 07/01/13
Subject: Sex Offender Registry	NYS Accreditation: 29.6
Effective Date: 03/21/2019 By Order Of: Stuart W. Peenstra, Chief of Police	

I. PURPOSE

- A. To 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.
- B. To establish departmental procedures for:
 - 1. The registration for sex offenders.
 - 2. The notification to entities with vulnerable populations.
 - 3. 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.
 - 1. Status Risk Level P Offender means the offender is registered, but a risk level has not yet been determined by the NYS Board of Examiners.
 - 2. Status Risk Level I Offender means it has been determined that the offender poses a low risk of recidivism.
 - 3. Status Risk Level II Offender means it has been determined that the offender poses a moderate risk of recidivism.
 - 4. 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: Entities with vulnerable populations are those entities specified in §168- L of the NYS Correction Law and may include 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 Registration Act (SORA): The New York State Sex Offender Registration Act as defined in Article-C of the New York State Corrections Law.
- D. 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.
- E. Sex Offender Registration Coordinator (SORC): The Chief of Police Designee 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 Chief of Police Designee will also make recommendations to the Chief of Police regarding Community notifications for Status Risk Level I, II and III Offenders.

- F. Sexually Violent Offender: 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.
- G. Sexual Predator: A person who has been convicted of a sexually violent offense as defined in subdivision three (3) of Section 168-A of the New York State Corrections Law, and suffers from a mental abnormality or personality disorder that makes him or her likely to engage in sexually violent offenses.
- H. Predicate Sex Offender: A person who has been convicted of a registered sex offense as defined in subdivisions two (2) and three (3) of Section 168-A of the New York State Corrections Law, and has been previously been convicted of a registered sex offense as defined in subdivisions two (2) and three (3) of Section 168-A of the New York State Corrections Law.
- I. Sex Offender Subdirectory: The subdirectory is a listing of sex offenders which is available for public inspection on both the Department and DCJS website. The subdirectory is provided by DCJS pursuant to §168-Q of the NYS Correction Law.

III. POLICY

Members of the Seneca Falls Police Department shall comply with all provisions of the New York State Sex Offender Registration Act as outlined below.

IV. PROCEDURE

- A. The only sex offender information released to the public will be as outlined in this directive and in accordance with the New York State Sex Offender Registration Act

**NOTE:* In accordance with Criminal Procedure Law 720.35(1), youthful offender adjudication is not a judgment of conviction for a crime.

- B. Public Information Requests

All Sex Offender Information requests (Attachment B) will be directed to the Chief of Police where the sex offender resides.

1. The Chief of Police Designee will provide law enforcement related information regarding Status Level I, II and III Offenders and any other information related to the offender's past criminal conduct and forward to the Chief of Police.
2. The Chief of Police will receive information regarding Status Risk Level I, II and III Sex Offenders from the Chief of Police Designee and disseminate only specific information as follows:
 - a. Level P Offenders - Not permitted to disseminate any information about the offender to the public until notified by DCJS.
 - b. Level I Offenders - Permitted to disseminate the offender's name, photograph and the charge he/she was convicted of. Not permitted to release exact address.
 - c. Level II Offenders - Permitted to disseminate relevant information about the offender to include the offender's name, aliases, photograph, exact address, background information including the offender's crime of conviction, modus operandi, type of victim targeted, and description of special conditions imposed on the offender.
 - d. Level III Offenders - Permitted to disseminate relevant information about the offender to include the offender's name, aliases, photograph, exact address, background information including the offender's crime of conviction, modus operandi, type of victim targeted, description of special conditions imposed on the offender, and his/hers employment address.

3. The Chief will retain disseminated material on file for notification and viewing.
 4. The Chief shall determine if the requestor is a vulnerable entity related to the criminal conduct of the offender and provide the requestor with redacted sex offender information.
- C.** All requests to view the subdirectory will be directed to the Chief of Police Designee. Upon request, Chief of Police Designee will:
1. Refer requestor to view the subdirectory on the Seneca Falls Police Department website; at www.senecafallspd.net or the DCJS website; at www.criminaljustice.state.ny.us.
 2. Refer the requestor to contact DCJS by phone at 1-800-262-3257.
- D.** Vulnerable Organization Listing
1. Under Chapter 680 of the Laws of 2005, law enforcement agencies are now required by law to compile, maintain and update a listing of vulnerable organizations within their jurisdiction. The list must include the Superintendent of Schools, Superintendent of Parks, public and private school bus transportation companies, day care centers, nursery schools, preschools, neighborhood watch groups, community centers, civic associations, nursing homes, victim advocacy groups and places of worship.
 2. This list will be updated and maintained by the Chief of Police Designee.
- E.** Department Initiated Community Notifications:
1. The Seneca Falls Police Department receives a yearly notification from the Seneca County Sheriff's Office referencing the available resources for members of the community regarding the vulnerable entities, list of sex offenders, and the websites to sign up for notifications.
 2. All information on the community notification will be verified by the Chief of Police designee. A copy will be retained by the department for reference and proof of receipt.
- F.** Sex Offender Verification of Residence
- Under the provisions of the Sex Offender Registration Act, those Offenders designated as Status Risk Level III, and Offenders with a Sexual Predator Designation 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 Chief of Police Designee's regular scheduled work hours. The Chief of Police Designee will:
1. Monitor all Status Risk Level I and II after receiving the DCJS Sex Offender information Sheet, and keep files of their names and residencies.
 2. Monitor all Status Risk Level III and Sexual Predator Designated Offenders after receiving the DCJS Sex Offender information Sheet, and determine the date the offender is to report to the Chief of Police Designee for their initial residency verification.
 3. Complete a "Sex Offender" law incident via Spillman recording the interaction with the sex offender and forward to the shift supervisor.

4. Complete the Sex Offender 90-Day Address Verification Form and keep it on file. This will be performed on Offender Watch via the "Verification" tab located under the sex offender's name record. The verification will be dated and signed by the sex offender as well as the designee. The date in which the sex offender is to appear for the next require 90 Day Verification will be recorded in the calendar of the designee
5. Obtain a still-image photograph of the registering sex offender if applicable.
6. Provide sex offenders with the New York State Sex Offender Change of Address Form, upon request.

G. Registrant Delinquency

In addition to Status Risk Level III Offenders and Sexual Predator Offenders 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 a violation punishable as a class E felony for the 1st Offense, and class D Felony for subsequent offenses, pursuant to §168-T of the NYS Correction Law.

1. The Chief of Police Designee 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 Chief of Police Designee. When a notification has been received from DCJS, the Chief of Police Designee 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 Status Risk Level III and Sexual Predator Offenders have failed to appear for residence verification, the Chief of Police Designee 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 Chief of Police Designee, if located.
 - e. Apply for an arrest warrant if the offender cannot be located, or if located and fails to comply with the residence verification requirement.

H. Assistance with Board Review

The Seneca Falls Police Department will cooperate fully and comply with the provisions of §168-m of the New York State Correction Law to provide all relevant information from its files concerning a sex offender provided that the records are not otherwise considered to be a protected record. Any such information provided would be sealed by the Board of Examiners of Sex Offenders and would also be available to the sex offender. Therefore, any investigative material should be carefully scrutinized to ensure that its dissemination would not adversely affect a pending investigation.

I. Assistance with Division of Parole

The Seneca Falls Police Department will provide information and assistance with the New

York State Division of Parole for those matters involving civil management of sex offenders. In certain cases, a sex offender who is no longer under a sentence of imprisonment but continues to pose a significant threat to the community may be under the supervision of the Division of Parole. These cases are the subject of civil orders which may include certain mandates, terms, conditions, and prohibitions for the offenders who are the subject of such orders. In many respects, the conditions of these civil orders may have the character and appearance of probation or parole conditions.

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Appendix
Attachments