

## SEX OFFENDER MANAGEMENT

STANDARD NO(S):

NYSLEAP#: 29.6

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REFER TO:

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### I. OBJECTIVE:

To provide a uniform set of guidelines for the registration and management of all Sex Offender data and intelligence, its dissemination and to facilitate community notification pursuant to the New York State Correction Law and all provisions governing the Sex Offender Registration Act.

### II. POLICY:

The Seneca County Sheriff's Office adopts this policy as to the finding of the New York State Legislature in that the danger of recidivism posed by Sex Offenders, especially those violent Sex Offenders who commit predatory acts characterized by repetitive and compulsive behavior. The SCSO recognizes that the protection of the public is a paramount concern of the government and those elected officials charged with that protection. The SCSO will work with other law enforcement agencies with regards to the dissemination of information concerning all levels of Sex Offenders who reside within the boundaries of Seneca County. This policy will address the sharing of information and the dissemination of information on certain levels of Sex Offenders to the public in order to alert entities with vulnerable populations and to protect all residents of Seneca County.

### III. DETAILS:

#### **A. DEFINITIONS –**

1. **SORA** – The New York State Sex Offender Registration Act defined in Article 6-C, Section 168 of the NYS Correction Law.
2. **SCSO** – The Seneca County Sheriff's Office
3. **DCJS** – The NYS Division of Criminal Justice Services

4. **SEX OFFENDER** –Any of the following:
  - a. Level One Offender – Low risk of repeat offense, or
  - b. Level Two Offender – Moderate risk of repeat offense, or.
  - c. Level Three Offender – High risk of repeat offense.
5. **SHERIFF** – The Seneca County Sheriff or his designee

**B. SEX OFFENDERS REGISTRATION ACT -** Effective January 21, 1996, Article 6-C, Section 168 of the NYS Correction Law, the Sex Offender Registration Act, (**SORA**) popularly known as "Megan's law" was enacted by the New York State Legislature. SORA was enacted to assist local law enforcement agencies and to protect communities by: 1) requiring sex offenders to register with the State; and, 2) providing information to the public about certain sex offenders living in their communities.

1. SORA requires the registration of individuals convicted in New York State of certain sex offenses as well as the registration of those individuals convicted in another jurisdiction if the offense is equivalent to a New York State registerable sex offense. In addition, if the individual is convicted of a felony requiring registration in the conviction jurisdiction or the individual is convicted of one or more specific federal or military offenses, the individual will be required to register in New York State. Individuals convicted of one or more registerable offenses on or after the effective date of SORA must register with the NYS Division of Criminal Justice Services. Additionally, any person convicted of a registerable offense who was incarcerated or under parole or probation supervision on January 21, 1996 is required to be registered.
  2. SORA requires the NYS Division of Criminal Justice Services to maintain a public *Subdirectory* on the internet which can only include Level 2 and Level 3 sex offenders. While the Registry also contains information on low-risk (Level 1) sex offenders, this site provides the public with access to the *Subdirectory* only. Therefore, accessing this site will not provide the public with information about Level 1 offenders. Anyone may, however, learn if an individual is a convicted sex offender listed in the Registry by calling the Sex Offender Registry – **at this time the telephone number is 1-800-262-3257.**
- C.** SORA also imposes certain duties on the SCSO as a facility having correctional as well as law enforcement and record-keeping responsibilities. Oversight of these functions, to the extent that they fall within the purview of the act, will be conducted by the Division Supervisor having administrative responsibilities.

## **CORRECTIONS DIVISION (CD)–**

1. Using the criteria set out in the act, SCSO personnel assigned to the Corrections Division (CD) will coordinate the following:
  - a. One hundred and twenty (120) days prior to the release of a sex offender, or in the case of a lesser sentence as soon as possible, will notify the Board of Examiners at the NYS Department of Correctional Services, in order to permit that agency to assess the offender's "risk level." If the offender is sentenced by a local criminal court and the sentence includes jail and/or probation, that court determines the risk level.
  - b. The criteria to be used by the Board in assessing the offender's likely risk to the public, and the effect a specific risk level has on any subsequent notifications that may be made by the SCSO are set out in "Notifications," this Manual.
  - c. Within Fifteen (15) days prior to release date, the Corrections Division will notify an incarcerated sex offender of the duty to register with DCJS; will review the requirements of the act with the offender; will provide the offender with the necessary form to be completed by the offender and will explain the duty to register and the procedure for registration.
2. Upon completion of the form and within 10 days from release date, the SCSO will give a copy of the completed form to the offender, retain a copy for the Correctional Facility, and send one copy to the NYS Division of Criminal Justice Services.

## **CRIMINAL INVESTIGATION DIVISION (CID) –**

1. The SCSO Criminal Investigation Division (CID) is responsible for maintaining files on each registered sex offender residing within the jurisdiction of the SCSO, regardless of the risk level assigned. Note that for purposes of this policy, the Town of Seneca Falls and Village of Waterloo are excluded. The records will include:
  - a. Offender registration form with any supplements,
  - b. Photographs
  - c. SCSO generated forms including, but not limited to:
    - i. SJS reports
    - ii. Agency notification form,
    - iii. Ninety (90) day sex offender verification request form. (applicable to level 3 sex offenders only),

- iv. Copies of any other change of address forms.
  - v. Updated photographs are sent to the SORA via the state's e-justice system; levels 1 and 2 every three years and level 3 annually.
  - d. Any legal documents from other agencies that pertain to the offender and his conviction, which required registration under the act.
2. SCSO CID will receive change of address forms from sex offenders and ensure that the change is made part of the offender's file. The act requires an offender to advise of such change within ten (10) calendar days. SCSO CID will then notify DCJS, and, if appropriate, the law enforcement agency having jurisdiction in the new place of residence, within three (3) calendar days.
  3. A level 1 sex offender is required to re-register with DCJS on the anniversary date of the initial registration, annually for a period of 20 years. A level 2 sex offender must re-register annually for life; however certain of these may petition for relief after 30 years. A sex offender deemed to be at risk level 3 must reregister annually for life and is not eligible for relief, nor is any person designated a sexual predator, a sexually violent offender or a predicate sex offender. An individual so designated, is required to personally verify such registration with the local law enforcement agency every ninety calendar days after the initial release or commencement of parole.
    - a. In processing the verification, SCSO CID will:
      - i. Use the "Offender Watch Verification Request Form";
      - ii. Require offender to read and sign form, affirmed under penalty of perjury;
      - iii. Enter date and time of verification into offender's file; and,
      - iv. Place original form in offender's paper file, attached to offender's original registration form.
  4. SCSO CID will be aware of verification commitments and in the event a level 3 sex offender fails to appear as required, will notify the Seneca County Probation Department or the NYS Division of Parole as appropriate. Further action, depending upon response, could include arrest of the offender under the provisions of the act.
  5. Members of the public will be permitted access to information concerning convicted sex offenders **assessed at level two and three** and, in some cases level one **offenders whose crimes were committed after January 21, 1996**.
    - a. The SCSO CID will not furnish any written information about a sex offender to the public unless authorized to do so by the Sheriff or designee.

6. SCSO CID maintains a current list of Vulnerable Organizational Entities, which includes, but is not limited to, all State Certified / Registered Day Care Facilities within Seneca County as recorded by the New York State Department of Family Assistance, Bureau of Early Childhood Services, 52 Washington St. Room 338, North Building, Rensselaer, NY 12144 and has reported and entered those addresses into the address search function of "Offender Watch." Whenever a Sex Offender's submits an address change or registration form, the offenders address is cross referenced with State Certified and Registered Day Care Facilities in Seneca County.
7. Whenever any sex offender fails to verify their current address as required by law, members of the C.I.D., will take the following steps to locate such offender:
  - a. personally visit the last known address of such sex offender
  - b. conduct National, State and local database searches in attempt to locate offender.
  - c. canvass neighbors and any other person at such offenders last known address.
  - d. Interview offender if located
  - e. Secure an arrest warrant

#### **D. PROCEDURES -**

##### **1. COMMUNITY NOTIFICATION**

- a. **OFFENDER WATCH** - The public, as well as SCSO members, have access to information of convicted sex offenders from the SCSO web-based program, "Offender Watch." Acquired through Watch Systems of Louisiana in 2008, the registered sex offender management and community notification system allows for enhanced capabilities between the public and the SCSO (including the New York State Department of Correctional Services, Seneca Falls and Waterloo Police Departments). It provides for high community visibility, mapping and reporting capabilities, convenient citizen links and community awareness tools. "Offender Watch" is maintained by the SCSO CID with administrative oversight by the CID Lieutenant. The public may access "Offender Watch" through the Seneca County Sheriff's Office website at <http://sheriff.co.seneca.ny.us> and clicking on the "Offender Watch" link. Information consistent with SORA is available on "Offender Watch" for all Level One, Two and Three Sex Offenders.
- b. Upon the release of information on a Level 2 or 3 Sex Offender, SCSO will:

Redact the following information from any form being viewed by the public:

Social Security Number  
NYSID Number  
FBI Number

In regards to the release of information on a Level 1 Sex Offender, the following information will also be redacted in addition to above:

The Sex Offenders exact address, except for Zip Code.

- c. The release of information in regards to Level 2 and 3 Sex Offenders shall include reactive notifications, by the Sheriff, to all Vulnerable Organizational Entities in the immediate area where any given Sex Offender resides. The Sheriff may, at his discretion, send a letter of notice to Vulnerable Organizational Entities that a Sex Offender does reside in their area. To maintain public awareness, the Sheriff may release information to the media on any Risk Level 2 or 3 Sex Offender, not being restricted by Court Order, who is registered with SCSO. All information being released for public view will be governed by the provisions set forth under SORA.
- d. Residents of Seneca County may also be referred to the New York State Division of Criminal Justice Services where anyone may inquire about a Sex Offender listed on the New York State Sex Offender Registry.

At this time this number is: **1-800-262-3257**

## 2. DETERMINATION OF VULNERABLE ORGANIZATIONAL ENTITIES.

- a. Vulnerable Organizational Entities (VOE) as defined in SORA, Section 168-1(a)(b)(c) include, but are not limited to Superintendent(s) of Schools, or chief school administrators, superintendents of parks, public and private libraries, public and private school bus transportation companies, day care centers, nursery schools, pre-schools, neighborhood watch groups, community centers, civic associations, places of worship, Nursing Homes, Crime Victim Organizations, or any other group deemed by the Sheriff to be living in close proximity to a registered Sex Offender shall be considered a Entity. The SCSO will maintain a current list of Vulnerable Organizational Entities and annually will review such VOE's and make the necessary additions, modifications or deletions to such list.

Semi-annually, the SCSO will send a notice in writing to each VOE explaining the methods to obtain sex offender information electronically utilizing the websites for the New York State Division of Criminal Justice Services and Seneca County Sheriff's Office "Offender Watch." In addition, such notice will contain information and contact numbers for the Seneca County Sheriff's Office, Waterloo and Seneca Falls Police Department for those VOE's who do not have access to the internet.

- b. Additional criteria to be used in determining a Vulnerable Organizational Entity and shall include consideration of the offense committed by the Sex Offender.
- c. Upon receipt of a notification from DCJS on a Level 2 or Level 3 Sex Offender, SCSO will make notification upon request to the following entities within Seneca County:
  - i. Seneca County Law Enforcement Agencies

- ii. A Superintendent of a School System
  - iii. The Administrator of the Department of Social Services
  - iv. Any member of the New York State Police
- d. Upon the receipt of an inquire from an Entity claiming to have a Vulnerable Population, the inquiry will be reviewed by the Sheriff. If the inquiry is denied by the Sheriff on the determination that the Entity does not constitute a Vulnerable Population, upon request from the Entity the inquiry shall be reviewed by a Hearing Officer appointed by the County Attorney of Seneca County.
  - e. SCSO is not authorized by Statute to provide any form of community notification on a Sex Offender who is only employed within the boundaries of Seneca County and not officially registered with SCSO. Such application for notification shall be forwarded to the jurisdiction where the Sex Offender is deemed to reside.
3. FILING OF CHANGE OF ADDRESS
- a. SCSO will facilitate any Change of Address to be filed with DCJS from any Sex Offender who presents themselves personally at the Seneca County Law Enforcement Center. The Sheriff then forwards the completed DCJS-3231 to DCJS in Albany and provides a copy of the completed form to the Sex Offender.
  - b. SCSO will forward all completed copies of DCJS-3231 to the following address:

New York State Sex Offender Registry  
Division of Criminal Justice Services  
80 South Swan St  
Albany, New York 12210
  - c. DCJS has assumed the responsibility of providing to proper notification to the local law enforcement agency having jurisdiction over the Sex Offender's new address.
4. ANNUAL ADDRESS VERIFICATIONS
- a. All Sex Offenders registered with SCSO will personally present themselves to the SCSO CID in accordance with the provisions of SORA. For all Level 1 & 2 Sex Offenders they will present themselves to SCSO CID whenever there is a change in their address, employment status or employment location; attendance, employment or enrollement at an Institution of Higher Education; change in access to motor vehicles; or changes or subscriptions to an internet account. Sex Offenders designated with a Risk Level of Pending, Level 1 or Level 2 and registered with SCSO, are required by statute to make contact with SCSO every three (3) years, from their original registration date or a date set forth by the Sheriff, to update their Sex Offender information at DCJS with a current

photograph. Any Risk Level Pending, Level 1 or Level 2 Sex Offender who is still under the supervision of the New York State Department of Parole or on Seneca County Probation shall also be mandated to report to the SCSO on their annual date. All Sex Offenders designated as Level 3 will personally report to SCSO CID every ninety days to verify their Sex Offender information.

- b. The Sheriff will ensure each Sex Offender's file contains the proper and authorized Sex Offender Registration paperwork, as provided for by statute, and each Sex Offender's file is ready for review upon request.
- c. Within fourteen (14) calendar days of any new Sex Offender being put on the SCSO Sex offender Registry, a CID Investigator will be assigned to process the Sex Offender's address as provided on the Change of Address Form or DCJS Notification Form.
- d. An SJS report will be completed by the SCSO CID Investigator to each registration or annual verification by the Sheriff. The assigned CID Investigator assigned to complete the annual verification will make an appropriate SJS entry in connection with the verification process.

## 5. ENFORCEMENT

- a. The Sheriff will take the appropriate law enforcement action against:
  - i. The unlawful use of any information disseminated under this Policy or SORA.
  - ii. Non-compliance with the duties of the registered Sex Offender covered by SORA.
  - iii. Non-compliance with the personal address verification requirements of all Level 3 Sex Offenders as required by statute.
- 6. The Sheriff shall not allow the use of photographic equipment, video equipment, or photocopying equipment to reproduce any information or forms contained within a Sex Offender's file. The Entity viewing the material may take written notes of the information contained within the file, but they may not add or delete any information contained within any given file.

## 7. SORA NOTICES SENT TO SCSO IN ERROR

- a. In the event a DCJS Sex Offender notification form is sent to SCSO in error, the Sheriff will notify the appropriate law enforcement agency having jurisdiction over the Sex Offender and forward the notification form to the appropriate law enforcement agency.
- b. The Sheriff shall then notify DCJS by telephone that the notification form on that particular Sex Offender was sent to SCSO in error and that the form has



been forwarded to the appropriate law enforcement agency having jurisdiction over the Sex Offender.

#### 8. SEX OFFENDERS FROM OTHER STATES

1. In the event a Sex Offender from another State presents themselves to the Seneca County Law Enforcement Center to notify the SCSO of their new address, the Sheriff will make the appropriate notification to DCJS to ensure the out of state Sex offender is in compliance with the New York State Sex Offender Registration Act and does in fact have to register with SCSO.
2. The Sheriff will then ensure that DCJS-3231 is completed by the out-of-state Sex Offender and the Sex Offender's contact information is available in the event New York State places the out-of-state Sex Offender on the New York State Sex Offender Registry.
3. In the event SCSO is notified by DCJS that the out-of-state Sex Offender is being placed on the New York State Sex Offender Registry, the Sheriff shall take the appropriate steps as outlined above.

#### 9. RETENTION OF SEX OFFENDER RECORDS

1. With the exception of Change of Address Forms, DCJS-3231, all forms and records retained in regards to the SCSO application of SORA will be maintained in the Criminal Investigation Division and shall be known as the Sex Offender Registry.
2. All individual Sex Offender files shall be indexed by the Sex Offender's name and Risk Level and any paperwork in regards to that Sex Offender shall be maintained permanently in that file by the Sheriff.
3. All information, paperwork, forms and correspondence in regards to the SCSO Sex Offender Registry shall be kept in a binder designated for SORA use. The Sheriff shall appoint two designees to oversee the direct care and control of all SORA files and these two designees shall be the primary line of contact between all Risk Levels of Sex Offenders and DCJS in Albany.