

Geneva Police Department GENERAL ORDERS		SEX OFFENDER REGISTRATION ACT	
<input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure Section 77 <input type="checkbox"/> amends:		cross-reference: Accreditation/Recognition standards: C.A.L.E.A.: NYS L.E.A.P.: 29.6	
effective date: 5.10.05	issue/amend date: 5.10.05 / 2.13.15 / 9.7.20		

I. PURPOSE	The purpose of this General Order is to establish and describe policies and procedures for the management of sex offender data and intelligence, its dissemination, and to facilitate community notifications pursuant to New York State Correction Law.
II. POLICY	It is the policy of the Geneva Police Department to adhere to the mandates as set forth in the New York State Sex Offender Registration Act.
III. DEFINITIONS	<p>A. Act - The Sex Offender Registration Act, Chapter 192 of the Laws of 1995, under the New York State Correction Law.</p> <p>B. DCJS - The New York State Division of Criminal Justice Services.</p> <p>C. Offender - Sex offender as designated under the Act.</p> <p>D. Risk Level - The Act establishes three risk levels:</p> <ol style="list-style-type: none"> 1. Risk Level 1: The risk of repeat offense is low and law enforcement agencies may disseminate specified information “to any entity with a vulnerable population related to the nature of the offense committed by such offender.” The information that may be disseminated includes: the zip code of the offender’s residence; a photograph of the offender; background information including the offender's crime of conviction; modus of operation; type of victim targeted; and any special conditions imposed on the offender. 2. Risk Level 2: The risk of repeat offense is moderate and law enforcement agencies may disseminate specified information “to any entity with a vulnerable population related to the nature of the offense committed by such offender.” The information that may be disseminated the same information as noted above for Risk Level 1 and, in addition, may disclose the offender's exact address “to any entity with a vulnerable population related to the nature of the offense committed by such offender.” 3. Risk Level 3: The risk of repeat offense is high and there exists a threat to the public safety. In such cases, law enforcement may disseminate the same information as noted above for Risk Level 2.

**III. DEFINITIONS
(CONT.)**

E. Subdirectory - DCJS is required to prepare a Subdirectory of High Risk (LEVEL 3) and Moderate Risk (LEVEL 2) Offenders, which is available through DCJS on line at www.criminaljustice.state.ny.us

F. Entity with a Vulnerable Population – May include but not limited to:

1. Schools, child care agencies, home health care agencies, nursing homes, Boys and Girls Club, YMCA, places where children or other vulnerable persons congregate, crime victims, families living within close proximity of the offender, and religious groups may be considered as entities with vulnerable populations.
2. Additional criteria to be used in determining an entity with a vulnerable population shall include consideration of the offense committed by the offender.
3. A list of entities with a vulnerable population will be kept by records department personnel and will be updated when needed as directed by the Chief of Police.

**IV. NOTIFICATION
AND FILE
MANAGEMENT
PROCEDURES**

A. The Department may receive sex offender notifications by several means:

1. Written Notice from DCJS

- a. DCJS will notify the Department of all new sex offenders who have registered with DCJS and will reside within the City of Geneva.
- b. DCJS will also notify the Department when a sex offender who is believed to reside in the City of Geneva fails to submit his annual verification form.

2. Personal Notice

- a. Sex Offenders may appear at the Public Safety Building (PSB) to file a change of address form.
- b. Any Level 3 sex offender is mandated to personally verify his or her address every ninety (90) days with the Department.

B. Registered Sex Offender File Management

1. Except for records filed under the Department's records system, all records, inquiries, responses and correspondence concerning sex offenders registered with the Department will be maintained by the Records Bureau in a file located in the Sergeant's Office. The Records Bureau will manage the sex offender files with assistance from a supervisor designated by the Chief of Police.
2. The Records Bureau will also maintain a mailing list of entities with a vulnerable population that will be used for community notifications, when necessary.

C. Sex Offender Data Entry - When the Department receives notification that a registered sex offender is residing in, or is moving into, the City of Geneva, the following procedures will be followed:

1. The Record's Bureau personnel receiving the notification will generate a Control Report Number-(CR#-Call for Service) under the heading of "Sex Offender Registration" in the Department's computerized PD Manager Record Keeping System (Agisent) **and** enter the sex offender's name.

IV. NOTIFICATION AND FILE MANAGEMENT PROCEDURES (cont.)

2. The sex offender will be added to the Department's sex offender files and a copy of the completed CR#-Call for Service will be included in his/her file.

D. Initial Verification of Address – The following procedures will be followed to verify the offender's address as listed on the notification for all risk levels:

1. After the release date listed on the notification the responsible supervisor will arrange for personnel to check the listed address and verify that the offender is actually living at that location. A CR#-Call for Service will be generated and this verification will be documented in an Incident Report.

Note: Procedures for subsequent verification of address Level 3 offenders are addressed in §IV (F) below.

E. Address Change

1. All registered sex offenders are required to report any change of address. They may do this by communicating directly with DCJS or by appearing at the PSB and completing the appropriate paperwork through the Records Bureau. The reporting requirements are all part of the sex offender registration process. Violations of the change of address/address verification requirements are a basis for arrest under **Section 168-t of the NYS Corrections Law**.
2. A sex offender who presents himself/herself to the Geneva Police Department with a request to register a change of address shall be directed to the Records Bureau. Records Bureau personnel will complete the following for each request:
 - a. DCJS-3231 – Sex Offender Change of Address Form; (see Attachment A); and
 - b. Generate a CR#-Call for Service detailing the change of address.
3. The DCJS-3231 will be forwarded to DCJS within three (3) calendar days of the Department receiving the new address. If the new address is located outside of the City, a copy of the form will also be forwarded to the law enforcement agency having jurisdiction over the new place of residence.
4. If the address is located within the City, the responsible supervisor will arrange for personnel to check the listed address and verify that the offender is actually living at that location. The verification will then be documented on an incident report from the address change CR#-Call for Service.

F. Level 3 Sex Offender Address Verification

1. Level 3 sex offenders are required to personally verify their addresses with the law enforcement agency having jurisdiction where the offender resides every ninety (90) calendar days and must continue for as long as an offender is deemed to be a Level 3 risk.
2. When a Level 3 sex offender appears at the Department to verify his or her address, Records Bureau personnel will generate of CR#-Call for Service, detailing the verification, a copy of which will be filed in the subject's sex offender file. If the offender provides a utility bill or other proof of address, personnel will make a copy of any documentation provided and include it in the subject's sex offender file.

IV. NOTIFICATION AND FILE MANAGEMENT PROCEDURES (cont.)

3. After a Level 3 sex offender reports his or her address, or when notification is received from DCJS, personnel will be detailed to conduct an independent physical verification of the offender's address. Verification can be made by any of the following methods:
 - a. Personal visit to address;
 - b. Interview with persons in vicinity;
 - c. Other records and reports of the Department; or
 - d. Other information or observation of Department personnel.
4. Personnel conducting the verification will complete an Incident Report detailing the findings of their inspection. A copy of this Incident Report will be forwarded to the Records Bureau for inclusion in the subject's sex offender file.

G. Additional Address Verification or Address Compliance

1. Level 1, Level 2 and Level 3 offenders are subject to periodic checks by Department personnel in order to verify compliance of their address requirement.
2. After a check is completed, Department personnel will generate a CR# - Call for Service to document the check.

H. Enforcement

1. The Department will take appropriate enforcement action for:
 - a. Unlawful use of information disseminated under this policy or under the Sex Offender Registration Act;
 - b. Noncompliance with registration requirements under the Act;
 - c. Noncompliance with personal address verification of LEVEL 3 offenders every 90 days; and
 - d. Noncompliance with annual verification of address.

I. Photographs and Fingerprinting of Offenders

1. Pursuant to NYS law, **ALL** LEVEL 3 offenders registered in the City of Geneva will be required to personally appear at the Geneva Police Department once a year to provide a current photograph. In addition, a full set of fingerprints will be taken from the offender. Personnel taking the photograph and fingerprints will take two photographs and one set of fingerprints for each offender and forward them to the Records Bureau. Records Bureau personnel will then forward photograph and fingerprints to DCJS along with filing them accordingly.

IV. NOTIFICATION AND FILE MANAGEMENT PROCEDURES (cont.)

2. **ALL** LEVEL 1 and LEVEL 2 offenders registered in the City of Geneva will be required to personally appear at the Geneva Police Department every third year from the date of registration to provide a current photograph. In addition, a full set of fingerprints will be taken from the offender. Personnel taking the photograph and fingerprints will take two photographs and one set of fingerprints for each offender and forward them to the Records Bureau. Records Bureau personnel will then forward photograph and fingerprints to DCJS along with filing them accordingly.

J. Notices Sent to the Department in Error

1. If a sex offender notification is sent to the Department in error, Records Bureau personnel will:
 - a. Forward the notice to the appropriate law enforcement agency having jurisdiction, if known.
 - b. Notify DCJS that the notice was sent in error and that the notice was forwarded to the appropriate law enforcement agency.

K. Offenders from Other States

1. If a sex offender from another state approaches the Department in order to comply with the provisions of the Sex Offender Registration Act:
 - a. Personnel will follow the procedures set forth in **§IV (C)** of this Order;
 - b. Identify the person; and
 - c. Notify the DCJS Sex Offender Registration Unit for assistance. Phone: (518) 457-3175

L. Records and Retention

1. Records pertaining to the Sex Offender Registry as well as those records pertaining to the Department's record keeping system will be retained permanently.
2. The following forms shall be maintained in the Records Bureau and made available as required:
 - a. Request to review Subdirectory of High Risk, Moderate Risk and Low Risk Offenders;
 - b. Sex offender change of address/verification form;

V. COMMUNITY NOTIFICATIONS

- A.** The Geneva Police Department will participate in community notification of **ALL LEVEL 2** and **LEVEL 3** offenders. The Department **will not** participate in community notification of **LEVEL 1** offenders, but will maintain a binder containing LEVEL 1 offender's information in the Records Bureau which may be reviewed by any person including the news media. Only the information allowed by NYS Law will be listed. Individuals desiring to review the binder will be directed to complete and submit a Sex Offender Information Request Form (*see* Attachment B). These requests are not covered under the Freedom of Information Act and thus, the FOIL Request Forms shall not be used for this purpose.

V. COMMUNITY NOTIFICATIONS (CONT.)

B. Level 2 Sex Offenders – When the Department receives notification of a Level 2 sex offender residing in the City, only the following information may be released to the appropriate entities with vulnerable populations and to neighbors in the area in which the offender is residing :

1. Name;
2. Exact address;
3. Modus Operandi;
4. Victim preference;
5. Photograph of sex offender, if available;
6. Special conditions of release; and
7. Crime of conviction.

C. Level 3 Sex Offenders – When the Department receives notification of a Level 3 sex offender residing in the City, the following information may be released to the appropriate entities with vulnerable populations and to neighbors in the area in which the offender is residing:

1. Name;
2. Exact address;
3. Modus Operandi;
4. Victim preference;
5. Photograph of sex offender, if available;
6. Special conditions of release; and
7. Crime of conviction.

D. Upon receiving notification that Level 2 or Level 3 registered sex offender is, or will be residing in the City of Geneva, the following procedures will be adhered to:

1. Personnel will follow the procedures set forth in this Order, including address verification procedures.
2. After the verification, information on all Level 2 and 3 Offenders will be disclosed to entities with a vulnerable population.

E. This Department is not authorized to provide community notification of an offender who works in the jurisdiction of the City of Geneva. Such application should be made to the jurisdiction where the offender resides.

V. COMMUNITY NOTIFICATIONS (CONT.)

- F.** The public may be referred to the following whereby they can inquire if a named individual is listed in the registry of sex offenders:
1. DCJS Sex Offender Registry telephone number: 1-800-262-3257.
 2. City of Geneva Police Department website (www.cityofgenevany.com) where they can access the NYS Sex Offender Registry and the Ontario County Sex Offenders search - Offender Watch.

VI. SUBDIRECTORY OF HIGH-RISK (LEVEL 3 – SEXUALLY VIOLENT PREDATOR AND LEVEL 2-MODERATE RISK) OFFENDERS

- A.** In order to guarantee availability and public access, the Subdirectory will be available for public viewing on one of the two computers located in the Records Bureau during regular Records Bureau business hours.
- B.** The Subdirectory may be reviewed by any person including the news media. Individuals desiring to review the Subdirectory will be directed to complete and submit a Sex Offender Information Request Form (**See Attachment B**). These requests are not covered under the Freedom of Information Act and thus, the FOIL Request Forms shall not be used for this purpose.
- C.** Department personnel will not allow viewers to videotape, photograph, or photocopy pages in the Subdirectory, but viewers may make written notes from the Subdirectory.
- D.** All requests to view the Subdirectory will be kept on file in the Records Bureau in a separate file.

VII. PROVIDING ASSISTANCE

- A.** Board of Examiners - The Department will fully cooperate and comply with the provisions of **§168-m 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 or endanger a complainant/witness, etc.
- B.** NYS Parole - The 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.

ATTACHMENTS:

- A. S. O. Change of Address Form
- B. S.O. Information Request Form

Approved By

MICHAEL J PASSALACQUA
CHIEF OF POLICE