Registered Offender Information

321.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Town of Cheektowaga Police Department will address issues associated with certain offenders who are residing in the jurisdiction, and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

321.2 POLICY

It is the policy of the Town of Cheektowaga Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

321.3 PROCEDURES

MONITORING – The department maintains a listing of registered sex offenders within its jurisdiction using a computerized database that includes all pertinent biographical information, address, employment, vehicle information, and probation/parole status.

(a) The members of the police department have access to the listing of sex offenders under the authority of this department and are also kept apprised of any new sex offenders that are within the police department's geographical jurisdiction.

(b) The Lieutenant of the Sex Offense Squad is responsible for monitoring compliance by offenders to include change of address, attendance, residence or employment at institutions of higher education, photography, and other responsibilities of offenders.

(c) Monitoring of Level 3 offenders and offenders with a sexual predator designation will be supervised by the Lieutenant of the Sex Offense Squad to ensure that such offenders are personally reporting every ninety days, as provided by law.

(d) In contacts with sex offenders, all members of the agency will endeavor to note e-mail accounts, Internet accounts and social networking sites used or visited by offenders to ensure compliance with the law.

321.3.1 COMMUNITY NOTIFICATION

(a) To the extent permitted by law, the Department will participate in community notification of Level 1, 2 and Level 3 offenders for residing within the geographical jurisdiction of the Town of Cheektowaga.

(b) Community notification will be coordinated by the Lieutenant of the Sex Offense Squad.

(c) In releasing information on offenders to entities with vulnerable populations, the Department will promptly provide the superintendent of the Cheektowaga Central School District the following information on registered sex offenders residing within the Town of Cheektowaga:

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1. Offenders designated Level 3 will have the following information disseminated if available:
    (a) Sex offender's exact address
    (b) Photograph of the offender
    (c) Background information including the offender's crime of conviction
    (d) Modus of operation
    (e) Type of victim targeted
    (f) Description of special conditions imposed on the offender
2. Offenders designated Level 1 and 2 will have the following information disseminated, if available:
    (a) Approximate address based on sex offender's zip code
    (b) A photograph of the offender
    (c) Background information including the offender's crime of conviction
    (d) Modus of operation
    (e) Type of victim targeted
    (f) Description of special conditions imposed on the offender

(d) Information on all sex offenders residing in the Town can be accessed at the Town of Cheektowaga website: www.tocny.org.

(e) The public may be also referred to the DCJS "800" telephone number 1-800-262-3257, whereby they can inquire if a named individual is listed in the registry of sex offenders.
1. The "800" number service requires the name of the offender, and
2. at least one other identifier:
    (a) Social security number
    (b) Date of birth
    (c) Driver license number
    (d) Exact street address and apt. no.

321.4 DETERMINATION OF "ENTITIES WITH VULNERABLE POPULATIONS"

(a) Consistent with Section 168-l(6) of the Correction Law, the following entities are included in the listing of vulnerable entities maintained by this Department: superintendents 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, nursing homes, victim's advocacy groups and places of worship. Other entities may also be included in a listing of

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vulnerable entities. Such listing will be updated from time to time as directed by the Lieutenant of the Sex Offense Squad.

(b) Additional criteria may also be used in assessing an entity with a vulnerable population such as consideration of the nature of the offense committed by the offender.

(c) Upon receipt of an inquiry from an entity claiming to be or have a vulnerable population, the inquiry will be reviewed by the Lieutenant of the Sex Offense Squad for assessment. Those entities listed in subdivisions (b) and (c) of Section 168-l(6) will be deemed to be vulnerable entities. The assessment of other 'vulnerable populations' will be the responsibility of the Chief of Police or his/her designee

(d) In the event that a basis for review of records is reasonably believed to be for an improper purpose (i.e. vigilantism, harassment, illegal discrimination), access will be denied.

321.5 PHOTOGRAPHS OF OFFENDERS

(a) The Department will photograph resident sex offenders who present themselves to the Department as required under Section 168-f of the Correction Law.

(b) Level 3 offenders must personally appear for a photograph within twenty (20) days of the first anniversary of their initial registration, and every year thereafter during the duration of their registration period.

(c) Level 1 and 2 offenders must personally appear for a photograph within twenty (20) days of the third anniversary of their initial registration, and every three years thereafter during the duration of their registration period.

(d) In addition to the mandatory photography detailed in the foregoing, members will endeavor to obtain voluntary photographs of a sex offender outside of the mandatory time periods in cases where the offender's appearance has notably and/or dramatically changed since the time of the current file photograph.

(e) All such photographs will be forwarded to DCJS.

321.5.1 ADDRESS CHANGE

(a) The Department will facilitate any change of address by a sex offender who presents himself/herself to the Cheektowaga Police/ Department. Along with the DCJS-3231 address change form, a case number will be assigned to any address change.

(b) The Department will promptly forward a copy of the change of address form to DCJS.

(c) DCJS is responsible for providing notice to the law enforcement agency having jurisdiction over the offender's new address.

321.5.2 ADDRESS VERIFICATION

(a) Level 3 sex offenders and sexual predators are required to personally verify his/ her address with the law enforcement agency having jurisdiction where the offender

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resides every 90 calendar days and must continue to do so for as long as an offender is deemed to be a Level 3 risk or a sexual predator (§168-h Correction Law).

(b) Members will generate a call for service for each occasion when a Level 3 sex offender or sexual predator verifies his/her address with the Department and complete a CPD Verification form.

(c) The Lieutenant of the sex offense squad or any member of the Department he designates will conduct independent and unannounced physical verification of the sex offender's address. Verification can be made by any of the following methods:

1. personal visit to address;
2. interview with persons in vicinity;
3. vehicle registration verification at address;
4. other records and reports of the Department; or
5. other information or observations of member.

(d) All information generated from the above actions will be documented in the Department's sex offender database.

321.6 ENFORCEMENT

(a) The Department will take appropriate enforcement action against:

1. Unlawful use of information disseminated under this policy or under the Sex Offender Registration Act;
2. Noncompliance with registration requirements, including photography mandates, under the Act;
3. Noncompliance with personal address verification of Level 3 offenders and sexual predators every 90 days; and
4. Noncompliance with annual verification of address.

(b) If the offender is a parolee, the Department will share information concerning failure to register or verify with the Division of Parole as such failures may result in revocation of parole.

(c) If the offender is a probationer, the Department will share information concerning failure to register or verify with the Probation Department as such failures may result in revocation of probation.

(d) If an offender can't be located, appropriate enforcement action may be taken for violations of the Sex Offender Registration Act, by way of warrant or summary arrest.

321.7 SUBDIRECTORY OF LEVEL 2 & 3 OFFENDERS

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(a) The Subdirectory is available on-line via the DCJS website. In the event of public requests to view the Subdirectory, the Department may provide access via a public-access computer, or may refer requesters to a public library.

321.8 OFFENDERS FROM OTHER STATES AND JURISDICTIONS

(a) Section 168-k of the Correction Law requires that a sex offender from another state who meets the requirements for registration under the Act must notify DCJS within ten (10) days of establishing residence in New York State.

(b) If an offender from another state approaches the Department in order to comply with the provisions of the Sex Offender Registration Act:

1. Members will make an incident report and assign a number to the query;
2. Identify the person making the query; and
3. Contact the DCJS Sex Offender Registration Unit (Law Enforcement line - (1-518-457-3175 or facsimile 1-518-485-8786) for assistance and/or referral.

(c) If a person reports to the Department who has a conviction in a tribal or military court;

1. Members will make an incident report and assign a number to the query;
2. Identify the person making the query; and
3. Contact the DCJS Sex Offender Registration Unit (Law Enforcement line-1-518457-3175 or facsimile 1-518-485-8786) for assistance and/or referral.

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