

## 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 REGISTRATION

The Detective Bureau supervisor shall establish a process to reasonably accommodate registration of offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is promptly provided to the New York State Division of Criminal Justice Services (DCJS) in accordance with the Sex Offender Registration Act (SORA) (Correction Law § 168 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register and the investigator should secure a warrant when appropriate (Correction Law § 168-t).

#### 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](http://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.

The Department shall obtain updated photographs for level one and level two offenders every three years and, for level three offenders or those designated as sexual predators, sexually violent offenders or predicate sex offenders, every year. If the appearance of a level three offender or sexual predator has changed, a photograph may be taken when he/she is required to verify his/her address every 90 days. The photographs shall be promptly forwarded to DCJS (Correction Law § 168-f).

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#### **321.4 MONITORING OF REGISTERED OFFENDERS**

The Detective Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.
- (b) Review of information on the DCJS SORA website.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to DCJS.

The Detective Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Town of Cheektowaga Police Department members, including timely updates regarding new or relocated registrants.

#### **321.5 DISSEMINATION OF PUBLIC INFORMATION**

Members of the public requesting information on registrants should be directed to the DCJS SORA or the Town of Cheektowaga Police Department's website.

The Detective Bureau supervisor may release local registered offender information to residents in accordance with Correction Law § 168-I and in compliance with a New York State Freedom of Information Law request.

##### **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 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.

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- (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**

- (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.

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#### **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.