



SEX OFFENDER REGISTRATION ACT		
✓ new: rescinds: amends:		cross-reference: accreditation standards: NYSLEAP Standard(s): 29.6
effective date: June, 2020	amend date:	

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, enforcement activities and to facilitate community notifications pursuant to New York State Correction Law.

II. POLICY

The Tompkins County Sheriff's Office adopts the findings of the State legislature in that the danger of recidivism posed by sex offenders, especially those violent offenders who commit predatory acts characterized by repetitive and compulsive behavior, and that the protection of the public is of paramount concern to government. Consistent with applicable law, the Office will disseminate information concerning certain sex offenders to the public in order to alert vulnerable populations and protect the Tompkins County community.

Further, the Office will participate in community notification to vulnerable populations designated under the Sex Offender Registration Act and this order. The Office will also assist in the registration and address verification portions of the Act and take enforcement actions as deemed necessary.

III. DEFINITIONS

Act: The Sex Offenders Registration Act, Chapter 192 of the Laws of 1995, under the New York State Correction Law.

DCJS: The New York State Division of Criminal Justice Services.

Offender: Sex offender as designated under the Act.

Predicate sex offender: Is a sex offender who has been convicted of a sex offense when the offender has been previously convicted of a sex offense.

Risk Level: The Act establishes three risk levels:

Risk Level One: Level one (1) offenders must register for 20 years, unless they have a designation (e.g., sexual predator, sexually violent offender, or predicate sex offender) in which case they must register for life. The risk of repeat offense is low and community notification by a law enforcement agency regarding level 1 offenders is authorized under the Act. If a law enforcement agency chooses to make a community notification, such law enforcement agency may release a photograph and description of the offender and may release relevant information which may include:

- Offender's name;
- Approximate address based on zip code;
- Background information (crime of conviction, modus operandi, type of victim targeted and any special conditions placed by probation or parole); and
- Name and address of any institution of higher education where the offender is employed, enrolled, attending or residing.

Risk Level Two: The risk of repeat offense is moderate level two (2) offenders must register for life. Community notification by a law enforcement agency is authorized under the Act. If a law enforcement agency chooses to make a community notification, such law enforcement agency may release a photograph and description of the offender and may release relevant information which may include:

- Offender's name and aliases;
- Approximate address based on zip code;
- Background information (crime of conviction, modus operandi, type of victim targeted and any special conditions placed by probation or parole); and
- Name and address of any institution of higher education where the offender is employed, enrolled, attending or residing.

Risk Level Three: The risk of repeat offense is high and there exists a threat to the public safety; level three (3) offenders must register for life. Community notification by a law enforcement agency is authorized under the Act. If a law enforcement agency chooses to make a community notification, such law enforcement agency may release a photograph and description of the offender and may release relevant information which may include:

- Offender's name and aliases;
- Exact address;
- Address of the offender's place of employment;
- Background information (crime of conviction, modus operandi, type of victim targeted and any special conditions placed by probation or parole); and
- Name and address of any institution of higher education where the offender is employed, enrolled, attending or residing.

Sexual predator: Is an offender who has been convicted of a sexually violent offense as defined in section 168-a of the Correction Law and who suffers from a mental abnormality or personality disorder that makes him or her likely to engage in predatory sexually violent offenses.

Sexually violent offender: Is an offender who has been convicted of a sexually violent offense as defined in section 168-a of the Correction Law.

Subdirectory: DCJS is required to prepare a Subdirectory of Moderate and High Risk (Level 2 &3) Offenders which is available on the DCJS Website.

Note: An individual who is adjudicated as a youthful offender or juvenile delinquent is not convicted of a crime, and his or her records are not available to the public. As a result, he or she is not required to be registered in New York State. However, a juvenile offender convicted of a sex crime is required to register.

IV. **PROCEDURES**

A. Monitoring

The office maintains a listing of registered sex offenders within its jurisdiction using the Offender Watch program.

1. The listing of sex offenders under the authority of this office is accessible to members of the office who shall apprise themselves on a regular basis of all offenders in the jurisdiction.
2. The designated investigator 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.
3. Monitoring of Level 3 offenders with a sexual predator designation will be supervised by the designated investigator to ensure that such offenders are personally reporting every ninety days, as provided by law.
4. In contacts with sex offenders, all members of the office will endeavor to note e-mail accounts, Internet accounts and social networking sites used or visited by offenders to ensure compliance with the law.

B. Community Notification

1. To the extent permitted by law, the office will participate in community notification of Level 1, 2 and 3 offenders for offenders residing within the geographical jurisdiction of the Tompkins County Sheriff's Office.
2. In releasing information on offenders to entities with vulnerable populations, the Office will promptly provide notification by:
 - a. E-Mail: Provide email notification to those registered and approved vulnerable entities which have been approved to receive such notice.
 - b. Subcontracted Service: Provide the appropriate information to be disseminated via the service provider, Offender Watch; which is accessible on the Sheriff's Office webpage.
3. Prior to releasing information about a sex offender, members will ensure that the offender is subject to community notification, giving consideration to factors such as whether the offender has fulfilled his/her obligations under the Act (i.e. Level 1 offender who has met

their twentieth anniversary date for registration), who has been relieved of their obligations due to pardon, court order, or who is otherwise no longer subject to community notification.

4. The public may also be 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.
 - a. The “800” number service requires the name of the offender, and at least one other identifier, to include:
 - Social Security Number
 - Date of Birth
 - Driver License Number
 - Exact Street Address and Apt. No.

C. Determination of “Entities with Vulnerable Populations”

1. Consistent with Section 168-1(6) of the Correction Law, the following entities are included in the listing of vulnerable entities: 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 vulnerable entities. Such listing will be updated periodically as directed by the office.
2. 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.
3. Upon receipt of a notification by DCJS of an offender, the office will identify entities with vulnerable populations which exist in close proximity of the registered sex offender’s residence and subsequently disseminate all information permissible by law.
4. Upon receipt of an inquiry from an entity claiming to be or have a vulnerable population, the inquiry will be reviewed by the office for assessment. Those entities list in subdivisions (b) and (c) of Section 168-1(6) will be deemed to be vulnerable entities. The assessment of other ‘vulnerable populations’ will be the responsibility of the Sheriff or designee.
5. 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.

D. Photographs of Offenders

1. The Office will photograph resident sex offender who present themselves to the Office as required under Section 168-f of the Correction Law.
2. Level 3 offenders must personally appear for a photograph within twenty (20) days of their first anniversary of their initial registration, and every year thereafter during the duration of their registration period.

3. Level 1 and Level 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.
4. The duty to appear for an updated photograph is temporarily suspended when the sex offender is confined in a hospital or institution. However, the offender must personally appear for such photograph within ninety (90) days after release from such hospital or institution, or at an alternate later date determined by this Office.
5. All such photographs will be forwarded via eJustice to DCJS and updated in the Offender Watch Program.
6. The Office may take an unscheduled photograph of the offender during verifications or upon a visit when the offender's physical characteristics have changed (i.e. facial hair, length of hair, etc.)

E. Address Change

1. Upon receiving personal notification by a person designated as a sex offender of that offender's change of address, the member shall interview the designated offender in person and complete the DCJS 3231 Sex Offender Change of Address Form. Investigative notes will be updated in the offender's file in the Offender Watch program and the offender's address will also be updated in the Spillman records management system.
2. The office will promptly forward a copy of the change of address form to DCJS via email to SORRequests@dcjs.ny.gov or facsimile transmission (confirmed with a facsimile response) when available. If neither method is not available, the change of address form is to be mailed to DCJS.

NYS Division of Criminal Justice Services
Sex Offender Registry
Alfred E. Smith Building
80 South Swan St.
Albany, NY 12210

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

F. Address Verification

1. Level 3 sex offenders and sexual predators are required to personally verify their 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 a level 3 risk or a sexual predator (Section 168-h Correction Law).
2. Members will complete investigative notes in the offender's file in the Offender Watch program for each occasion when a Level 3 sex offender or sexual predator verifies their address with the Office. If the offender provides a utility bill or others proof of address, the

member will note same in their investigative notes.

3. Within one week after a Level 3 sex offender and/or sexual predator reports their address, the investigator in charge of the sex offender program will perform or cause to be performed 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. Vehicle registration verification at address;
 - d. Other records and reports of the Office; or
 - e. Other information or observations of member.

The Investigator in charge of the sex offender program will perform or cause to be performed, a physical verification of the offender's residence for Level 1 and Level 2 sex offenders as follows:

- a. Level 1 sex offenders: address verification one time per year
 - b. Level 2 sex offenders: address verification two times per year.
4. Verifications may be completed at random times throughout the year if tips or information are brought to the Office's attention regarding possible illegal activity whether by anonymous sources, eJustice (failure to return annual verification, failure to complete photo, etc.) or throughout investigations by officers of the Office.
 5. Any observations made by the officer(s) completing such verifications will be noted in the investigative notes section of the sex offender's file in the Offender Watch program.

G. Enforcement

1. The Office will take appropriate enforcement action against:
 - a. Unlawful use of information disseminated under this policy or under the Sex Offender Registration Act;
 - b. Noncompliance with registration requirements, including photography mandates, under the Act;
 - c. Noncompliance with personal address verification of Level 3 offenders and sexual predators every 90 days; and
 - d. Noncompliance with annual verification of address.

2. If the offender is a parolee, the Office will share information concerning failure to register or verify with the NYS DOCCS as such failures may result in revocation of parole.
3. If the offender is a probationer, the Office will share information concerning failure to register or verify with the Probation Department as such failures may result in revocation of probation.
4. If the offender's residence cannot be verified the officer/investigator shall take the appropriate action to locate the offender, up to and including securing a warrant of arrest.

H. Subdirectory of Offenders

1. Upon receipt of a request by a member of the public to view the Subdirectory the member shall:
 - a. Inform the requesting party the request must be in writing.
 - b. Inform the requester to include his/her purpose.
 - c. Upon receipt of the completed request, review for accuracy and forward to the Investigator in charge of the sex offender program.
2. The Subdirectory is also available online via the DCJS website. The office member may provide information to the requestor on how to view the Subdirectory via their website.

I. Notices Sent to the Office in Error

1. If a sex offender notification is sent to the Office in error, the Office should promptly notify DCJS via telephone (Law Enforcement Line: 518-457-3175) or by email that the notice was sent in error.
2. The Office will either forward or return the notice, per the direction of DCJS.

J. Offenders from Other States; Jurisdictions

1. 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.
2. If an offender from another state approaches the Office in order to comply with the provisions of the Sex Offender Registration Act or if a person reports to the Office who has a conviction in a tribal or military court, members will:
 - a. Make an incident report in Spillman for "New Registration."
 - b. Confirm the identity of the offender and attempt to verify their offender status via the eJustice Portal (driver license inquiry) or the offender's State of registration.

- c. Contact the DCJS Sex Offender Registration Unit (phone # 518-457-3175 or facsimile 518-485-8786 or by email) for assistance or referral.

K. Records and Retention

1. Records pertaining to the receipt of notices and address verification will be indexed under the offender's surname in the Spillman records management system.
2. Retention of records will be indefinite for those offenders who currently reside in an area where the Sheriff's Office is the primary law enforcement agency.
3. As those offenders leave an area where the Sheriff's Office is the primary law enforcement agency their records may be purged.

L. Assistance with Board Review

1. The Office will cooperate fully and comply with the provisions of Section 168-m of the 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.

M. Assistance with the Division of Parole

1. The Office 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 subjects 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. [Sex Offender Change of Address Form \(DCJS 3231\)](#)

By Order Of



Derek Osborne
Sheriff