



TOWN OF MACEDON POLICE DEPARTMENT

General Order: 444	Effective Date: April 1, 2021
Subject: Sex Offender Registration Act.	
Reference Standards: 28.1, 29.6	
Rescinds: N/A	
Page 1 of 7	Attachments: 1- Macedon PD Registered Sex Offender Notification Form; 2- NYS Sex Offender Change of Address Form; 3- Macedon PD Sex Offender Address Verification

I. Purpose

A. The purpose of sex offender registration is to:

1. Protect the public from the danger of recidivism posed by sex offenders especially those sexually violent offenders who commit predatory acts characterized by repetitive and compulsive behavior and to comply with Article 6-c of the New York State (NYS) Correction Law.
2. Establish the following departmental procedures:
 - a) Registration for sex offenders
 - b) Notification to entities with vulnerable populations
 - c) Processing requests from the public to access sex offender information or viewing the Sex Offender Subdirectory

II. Definitions

A. Status Risk Level: The NYS Board of Examiners of Sex Offenders establishes the degree of risk recidivism of a sex offender by examining certain risk factors. The Board of Examiners of Sex Offenders identifies an offender as a status risk Level P, I, II, or III, which is contained on the DCJS Sex Offender Information Sheet.

1. Status Risk Level P Offender means the offender is registered, but a risk level has not been determined by the NYS Board of Examiners.
2. Status Risk Level I Offender means it has been determined that the offender poses a low risk of recidivism.
3. Status Risk Level II Offender means it has been determined that the offender poses a

moderate risk of recidivism.

4. Status Risk Level III Offender means it has been determined that the offender poses a high risk of recidivism and there exists a threat to public safety.
- B. Entities with vulnerable populations: To include, but not be limited to those entities as defined in §168-l(6)(c) of the New York State Corrections Law, any school, group home, day care center, recreation center, community group, organization, association, or other organized collection of people whose overall make-up of members lends itself as a potential target of a sex offender or sexually violent predator. For example, a day-care center vulnerable to a Level III pedophile.
- C. Sex Offender: Includes any person who is convicted of any of the offenses set forth in subdivision two (2) or three (3) of Article 6-c, §16 of the NYS Correction Law.
- D. Sex Offender Registration Coordinator (SORC): The Police Clerk/Office Manager is the Sex Offender Registration Coordinator (SORC) and is responsible for maintaining and updating the Sex Offender Subdirectory and maintaining liaison with the Sex Offender Registry Unit at the NYS Division of Criminal Justice Services (DCJS). The Sex Offender Registration Coordinator will also make recommendations to the Road Patrol Sergeant regarding community notifications for Status Risk Level II and III Offenders.
- E. Sexually Violent Predator: A person who has been convicted of a sexually violent offense as defined in subdivision three (3) of §168-A of the NYS Correction Law, or a sex offender as defined herein who suffers from a mental abnormality that makes such person likely to engage in predatory sexual conduct.
- F. Sex Offender Subdirectory: The subdirectory is provided to the Department by DCJS pursuant to §168-Q of the NYS Correction Law.
- G. Offender Watch: A nationwide registry and public notification system, hosted locally by the Wayne County Sheriff's Office.

III. Procedure

- A. The only sex offender information released to the public will be as outlined in §III (A)1-a (1) of this directive for persons whose date of crime was after January 21, 1996. In accordance with NYS Criminal Procedure Law §720.35(1), a Youthful Offender adjudication is not a judgment of conviction for a crime.
 1. Information requests from the public.
 - a) All sex offender information requests will be directed to the SORC. The SORC will:
 - (1) Disseminate redacted information regarding offenders as follows:
 - (a) LEVEL P OFFENDERS - Not permitted to disseminate any information about the offender to the public until notified by DCJS

- (b) LEVEL I OFFENDERS - Permitted to disseminate relevant information about the offender to include the offender's zip code, photograph, and background information including the offender's crime of conviction, modus operandi, type of victim targeted, and description of special conditions imposed on the offender; not permitted to release exact address.
- (c) LEVEL II OFFENDERS - Permitted to disseminate relevant information about the offender to include the offender's exact address, photograph, background information including the offender's crime of conviction, modus operandi, type of victim targeted, and description of special conditions imposed on the offender; not permitted to release exact address.
- (d) LEVEL III OFFENDERS - Permitted to disseminate relevant information about the offender to include the offender's exact address, photograph, background information including the offender's crime of conviction, modus operandi, type of victim targeted, and description of special conditions imposed on the offender

(2) Retain disseminated material on file for notification and viewing

(3) Determine if the requestor is a vulnerable entity related to the criminal conduct of the offender and provide same with redacted sex offender information

2. Requests to view the subdirectory

a) Any person requesting to view the Sex Offender subdirectory for the Town of Macedon will first be referred to the Offender Watch website, where there is a public access notification portal. Alternatively, any requestor shall be referred to web site of the New York State department of Criminal Justice Services at <http://www.criminaljustice.state.ny.us/nsor/index.htm> or told to call 1-800-262-3257. In cases where the requesting party does not have access to the internet or a telephone, they shall be directed to the SORC. They will be required to provide identification and written purpose to the SORC. The SORC will:

(1) Contact the requestor with an assigned date and time to view the subdirectory

(2) Document who viewed the subdirectory, the date and time of the viewing, and retain this information on file along with the written request

3. Department initiated community notifications

a) A listing of vulnerable entities is maintained in the Sex offender registry file in the records room. It is updated on an "as needed" basis and reviewed for accuracy every six months. "Vulnerable entities" within the Town of Macedon shall include but not be limited to the following:

(1) Public and private schools

- (2) Daycare providers
 - (3) Public libraries
 - (4) Parks and Recreation departments
 - (5) Neighborhood Watch groups
 - (6) Community centers
- b) The SORC will:
- (1) Prepare a bulletin for the targeted entities informing them that a sex offender resides within the designated area. The bulletin shall include the offender's photograph, relevant information about the offender to include the offender's zip code, photograph, background information including the offender's crime of conviction, modus operandi, type of victim targeted, and description of special conditions imposed on the offender. This bulletin shall also indicate that the disclosure or dissemination of such information is at the requestor's discretion and may be subject to civil and/or criminal liabilities from damages if it is shown that the requestor acted with gross negligence or in bad faith. (Attachment #1)
 - (2) Be responsible for verification of the offender's residence prior to the dissemination of the bulletin
 - (3) Provide the bulletin to the Patrol Sergeant who will assign an officer to distribute.
 - (4) Distribute a copy of the bulletin to all vulnerable entities as described in Section III (A)3-(a). Said bulletin may be distributed by e-mail, standard mail, or personal distribution.
 - (5) Subsequent to the distribution of the bulletin, the Patrol Sergeant will prepare a memorandum to the SORC indicating the date the community notification was completed and to whom it was sent. The SORC shall retain such in the offender's file.
4. Sex offender verification of residence
- a) Under the provisions of the Sex Offender Registration Act, those persons designated as Status Risk Level III Offenders, or any other offender with a sexual predator designation, are obligated to personally verify their place of residence with the local law enforcement agency every 90 days or provide immediate notification of a change of address. These offenders will be directed to do so with the SORC during normal business hours Monday through Friday. The SORC will:
 - (1) Monitor the compliance of Status Risk Level III Offenders and any other offender with a sexual predator designation after receiving the DCJS Sex Offender Information Sheet
 - (2) In accordance with the Sexual Offender Awareness Program (S.O.A.P.)

ensure periodic checks of all offenders are made to verify information such as residence, employment, and vehicles operated.

- (3) Notify the sex offenders who fail to re-register
- (4) Enter the sex offender information into the Offender Watch database.
- (5) Complete the three-ply (3) Sex Offender Address Verification Form and maintain the appropriate copy on file.
- (6) Provide sex offenders with the Sex Offender Change of Address Form upon request (Attachment #2)

5. Registrant delinquency

- a) In addition to the 90-day residence verification of Status Risk Level III Offenders and any other offender with a sexual predator designation with their local law enforcement agency, all Status Risk Level I, II, and III Sex Offenders must register annually with the DCJS. Failure to do so is punishable as an E-felony for the first offense, and a class D felony for subsequent offenses, pursuant to §168-t, NYS Correction Law. The SORC will receive notification from DCJS that a sex offender has failed to annually register, and will monitor Level I, II, and III Offenders who have failed to appear for residence verification on the date assigned by the SORC. When a notification has been received from DCJS, the SORC will:
 - (1) Ensure written verification from DCJS that the offender is delinquent in registering has been received
 - (2) Designate an officer to:
 - (a) Contact the offender's probation or parole officer, when applicable, as to the offender's whereabouts, or a possible reason for delinquency
 - (b) Direct the offender to immediately register
 - (c) Apply for an arrest warrant for the offender if the offender cannot be located, or is located and fails to register or fails/refuses to comply with any provisions of the Sexual Offender Registration Act as directed
- b) When a Status Risk Level III Offender or any other offender with a sexual predator designation has failed to appear for residence verification, the SORC will:
 - (1) Contact DCJS to confirm the offender's continued status as a sex offender.
 - (2) Obtain written documentation from DCJS confirming the individual's continued sex offender status.
 - (3) Designate an officer to:
 - (a) Contact the offender's probation or parole officer, when applicable, and:

- (i) Determine if a justification exists for delinquency
 - (ii) Notify them of the offender's delinquency
 - (b) Attempt to contact and locate the offender
 - (c) Direct the offender, if located, to immediately report to the Macedon police Department.
 - (d) Apply for an arrest warrant if the offender cannot be located, or if the offender is located and fails to comply with the residence verification requirement
- c) Address verification forms
 - (1) The Sex Offender Address Verification Form (Attachment #3) is maintained by the SORC. Upon completion by the sex offender, ply 2 (yellow) of the Sex Offender Change of Address Form will be retained by the SORC.
- 6. Photograph requirements
 - a) To facilitate the annual updating of offender photographs, all offenders shall have their photographs taken by a member of the Macedon police Department. These photographs shall be immediately transmitted to the NYS DCJS Sex Offender Registry..
- 7. Assistance with board of examiners of sex offenders
 - a) The department shall cooperate fully and comply with the provisions of §168-m of the NYS Corrections Law and provide all relevant information from its files concerning a registered 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 scrutinized to ensure that its dissemination would not adversely affect a pending investigation.
- 8. Assistance with the Division of Parole
 - a) 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 prohibition 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.

By Order of the Chief of Police

John P. Colella
[John P. Colella \(Apr 1, 2021 10:17 EDT\)](#)

John P. Colella
Chief of Police
Dated this 1st day of April, 2021