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**CHILDREN AND FAMILY SERVICES UNIT:
SEX OFFENDER REGISTRATION
GENERAL ORDER NO: 3.8.10**

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PURPOSE: The purpose of this policy is to provide guidance for the registration, public notification, and address verification of sex offenders and guidance for personnel conducting community education practices.

POLICY: It is the policy of the Albany Police Department to maintain a registry of convicted sexual offenders residing within the City of Albany, in accordance with the New York State Sex Offender Registration Act (SORA); and to disseminate Sex Offender Registration information, in accordance with the Sex Offender Registration and Notification Act (SORNA) and in a manner that supports and promotes public safety.

DEFINITIONS: **Sex Offender** – Sex offender means any person who is convicted of any sex offenses or any sexually violent offenses, as defined in section 168-a of the NYS Corrections Law. Each offender shall be assigned a numeric risk level.

Sexual Offense – Sex offense means (a)(i) a conviction of or a conviction for an attempt to commit any of the provisions of sections 120.70, 130.20, 130.25, 130.30, 130.40, 130.45, 130.60, 230.34, 250.50, 255.25, 255.26 and 255.27 or article 263 of the penal law, or section 135.05, 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses, provided the victim of such kidnapping or related offense is less than seventeen (17) years old and the offender is not the parent of the victim, or section 230.04, where the person patronized is in fact less than seventeen (17) years of age, 230.05 or 230.06, or subdivision two of section 230.30, or section 230.32 or 230.33 of the penal law, or (ii) a conviction of or a conviction for an attempt to commit any of the provisions of section 235.22 of the penal law, or (iii) a conviction of or a conviction for an attempt to commit any provisions of the foregoing sections committed or attempted as a hate crime defined in section 485.05 of the penal law or as a crime of terrorism defined in section 490.25 of such law or as a sexually motivated felony defined in section 130.91 of such law; or (b) a conviction of or a conviction for an attempt to commit any of the provisions of section 130.52 or 130.55 of the penal law, provided the victim of such offense is less than eighteen (18) years of age; or (c) a conviction of or a conviction for an attempt to commit any of the provisions of section 130.52 or 130.55 of the penal law regardless of the age of the victim and the offender

has previously been convicted of: (i) a sex offense defined in this article, (ii) a sexually violent offense defined in this article, or (iii) any of the provisions of section 130.52 or 130.55 of the penal law, or an attempt thereof; or (d) a conviction of (i) an offense in any other jurisdiction which includes all of the essential elements of any such crime provided for in paragraph (a), (b) or (c) of this subdivision or (ii) a felony in any other jurisdiction for which the offender is required to register as a sex offender in the jurisdiction in which the conviction occurred or, (iii) any of the provisions of 18 U.S.C. 2251, 18 U.S.C. 2251A, 18 U.S.C. 2252, 18 U.S.C. 2252A, 18 U.S.C. 2260, 18 U.S.C. 2422(b), 18 U.S.C. 2423, or 18 U.S.C. 2425, provided that the elements of such crime of conviction are substantially the same as those which are a part of such offense as of the date on which this subparagraph takes effect. (e) a conviction of or a conviction for an attempt to commit any of the provisions of subdivision two, three or four of section 250.45 of the penal law, unless upon motion by the defendant, the trial court, having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that registration would be unduly harsh and inappropriate.

Sexually Violent Offense – Sexually violent offense means (a)(i) a conviction of or a conviction for an attempt to commit any of the provisions of sections 130.35, 130.50, 130.65, 130.66, 130.67, 130.70, 130.75, 130.80, 130.95 and 130.96 of the penal law, or (ii) a conviction of or a conviction for an attempt to commit any of the provisions of sections 130.53, 130.65-a and 130.90 of the penal law, or (iii) a conviction of or a conviction for an attempt to commit any provisions of the foregoing sections committed or attempted as a hate crime defined in section 485.05 of the penal law or as a crime of terrorism defined in section 490.25 of such law; or (b) a conviction of an offense in any other jurisdiction which includes all of the essential elements of any such felony provided for in paragraph (a) of this subdivision or conviction of a felony in any other jurisdiction for which the offender is required to register as a sex offender in the jurisdiction in which the conviction occurred.

Risk Level – Risk level means the risk associated with repeat offenses, which is assigned and disseminated by the Department of Criminal Justice Services (DCJS). On occasion, the risk level status is labeled “pending”. While risk level is pending, the offender is not considered any of the risk levels set forth below.

1. Level One – Low risk of repeat offense.
2. Level Two – Moderate risk of repeat offense.
3. Level Three – High risk of repeat offense.

Sexual Predator – Sexual predator means an offender who has been convicted of a sexually violent offense, as defined in section 168-a of the NYS Corrections Law, and who suffers from a mental abnormality or personality disorder that makes him/her likely to engage in predatory sexually violent offenses.

Predicate Sex Offender – Predicate sex offender means a sex offender who has been convicted of a sex offense when the offender has been previously convicted of a sex crime.

Sex Offender Registration Act (SORA) – Sex Offender Registration Act (Correction Law Article 6-C) (SORA) means the establishment of a Sex Offender Registry within the New York State Division of Criminal Justice Services (DCJS). SORA was enacted to assist local law enforcement agencies and to protect communities by: 1) requiring sex offenders to register with the State; and, 2) providing information to the public about certain sex offenders living in their communities. SORA took effect on January 21, 1996.

Sex Offender Registration and Notification Act (SORNA) – Sex Offender Registration and Notification Act (SORNA) means a comprehensive set of minimum standards for sex offender registration and notification in the United States.

I. ADMINISTRATION

A. Responsibility:

1. The Children and Family Services Unit (CFSU) shall be responsible for maintaining compliance with SORA, SORNA and all local, state and federal Laws regarding the registration and monitoring of sexual offenders residing within the City of Albany.
2. It shall be the responsibility of the Commanding Officer of CFSU to assign duties related to the registration and monitoring of sexual offenders to CFSU detectives. Duties include, but are not limited to:
 - a. Interviewing the offenders to collect pertinent information;
 - b. Maintaining comprehensive files and a records retention schedule. Each file shall include, but is not limited to:
 - i. Initial registration information;
 - ii. Changes in address, employment, or educational information;
 - iii. Case reports/paperwork from law enforcement and public safety agencies;
 - iv. Documentation of any address verifications or other police contact with the sex offender; and
 - v. Proof of receipt of registration, signed by the offender.
 - c. Verifying that there are no outstanding warrants on the offender;
 - d. Notifying the appropriate internal and external agencies of registration; and
 - e. Sharing information, upon request, with authorized outside agencies. Outside agencies include:
 - i. Probation;
 - ii. Parole;
 - iii. Department of Criminal Justice Services; and
 - iv. Any other authorized agencies.
3. Assigned detectives shall ensure all data required by law and current department directives, is properly recorded and disseminated, as

necessary.

4. Any criminal activity, unusual incident, or contact with any sex offender by any member of this department shall be documented on an Investigation Report. A copy of said paperwork shall be forwarded to the Commanding Officer of CFSU.

B. Registration Requirements:

1. In compliance with SORA, SORNA and local, state and federal law, the Albany Police Department shall establish a process for accepting and compiling registration information for all sex offenders residing within the City of Albany. This information shall include, but is not limited to:
 - a. Name and aliases;
 - b. Internet identifiers and addresses;
 - c. Telephone numbers;
 - d. Social security numbers;
 - e. Address of residence (or address where the sex offender can be located day or night);
 - f. Name and address of employment and/or school;
 - g. Immigration documents;
 - h. Date of birth;
 - i. Driver's license or identification card;
 - j. Professional licenses;
 - k. Current photograph;
 - l. Fingerprints;
 - m. Vehicle information;
 - n. Physical description;
 - o. Criminal history;
 - p. DNA sample, if applicable;
 - q. The name and contact information of the parole/probation officer, if applicable;
 - r. The condition(s) of release for the registered sex offender, if applicable; and
 - s. Maintaining a working relationship with parole or probation, if applicable.
2. All applicable information shall be stored in separate files in CFSU:
 - i. All offenders, both active and inactive, shall have a unique identification number;
 - ii. Records pertaining to registered sex offenders shall be retained permanently; and
 - iii. In compliance with SORA, SORNA, local, state and federal laws, all applicable information shall be forwarded to the DCJS.

II. REGISTRATION PROCEDURES

A. Registration:

1. Introductory Registration:

- a. CFSU shall accept and process registration information pertaining to all sex offenders residing in the City of Albany.
- b. If a sex offender moves into the City of Albany and reports to this department in order to comply with the provisions of SORA, officers shall identify the person making the query and contact a detective within CFSU.
 - i. If a detective within CFSU is unavailable, officers shall contact the DCJS Sex Offender Registration Unit (Law Enforcement Line: 518-457-3175 or facsimile Line: 518-485-8786) for assistance and referral; and
 - ii. Complete an Investigation Report detailing the interaction with the offender and the DCJS contact information, and forward the report to the CFSU. The Investigation Report shall include the offender's:
 - a) Name;
 - b) Date of birth;
 - c) Address;
 - d) Race;
 - e) Sex;
 - f) Descriptive information;
 - g) Sex offense conviction; and
 - h) Risk level, if known.

2. Continual Registration:

- a. In compliance with SORA, SORNA, local, state and federal laws, CFSU detectives shall oversee the continual registration of sex offenders residing within the City of Albany.

3. Change of Address:

- a. When a sex offender contacts a member of this department for the purposes of changing his/her address, personnel shall direct the offender to call CFSU at (518) 447-8780.
 - i. Under no circumstances, should an offender be told to appear in person at CFSU.

B. Verifications and Investigations:

1. In-Person Verifications:

- a. Detectives assigned to monitor registered sex offenders shall periodically verify their place of residence by means deemed appropriate by CFSU supervisors. Verifications shall include, but are not limited to:
 - i. In-person address verification, which shall be determined

and scheduled by CFSU supervisors and shall be conducted in compliance with local, state and federal laws.

- ii. Detectives assigned to conduct in-person verifications shall conduct a physical check of the registered sex offender's address and document results, which shall be placed in the file belonging to that registered sex offender.
 - a) If the offender is not living at the registered address or otherwise in non-compliance with local, state and federal laws, assigned detectives shall initiate an investigation to determine any and all registration violations, and shall secure a warrant for arrest, when appropriate.
 - b. Registered sex offenders who do not maintain their continued registration requirements shall be subject to in-person verifications.
 - i. In-person verifications that are unable to be made shall be subject to an investigation for non-compliance and all other violations of registration requirements.
- 2. Detectives assigned to monitor and track registered sex offenders shall cross check missing and abducted children alerts against registered sex offender lists.
- 3. Documentation of verifications and investigations shall be recorded and kept with the file belonging to the registered sex offender.

C. Noncompliance and Prosecution:

1. The Albany Police Department shall take appropriate action against offenders who fail to comply with registration requirements, which includes securing a warrant for arrest, when appropriate.

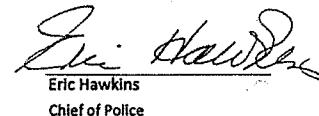
D. Community Notification:

1. To the extent permitted by law, the department will participate in community notification of Level Two (2) and Level Three (3) offenders for:
 - a. Offenders residing within the geographical jurisdiction of the City of Albany; and
 - b. Offenders who were a resident of the City of Albany at the time of their conviction.
2. Community notification shall be coordinated by the Commanding Officer of CFSU.
3. Releasing Information:
 - a. Information released to the public shall be in compliance with SORA, SORNA, and local, state and federal laws. Information shall include:

- i. The name, date of birth, race, sex, photograph, address, crime of conviction, modus operandi, type of victim targeted, and special conditions imposed upon a Level Two (2) or Level Three (3) offender.
- b. Information may be released or obtained in the following manner:
 - i. The Chief of Police or his/her designee may grant community notifications through the use of community policing;
 - ii. The Albany Police Department OffenderWatch, which is a informational website that allows members of the public to access available sex offender registration information; or
 - iii. By contacting DCJS at 1-800-262-3257.
 - a) This telephone number requires the name of the offender and, at least one, identifier. Identifiers include:
 - 1) Social security number;
 - 2) Date of birth;
 - 3) Drivers license number; and
 - 4) Exact street address with apartment number.

E. Citizen Inquiries:

1. Any member of this department who receives a citizen inquiry or complaint regarding a registered sex offender should first inquire if the nature of the incident is of a criminal matter and, if so, initiate the appropriate police response.
 - a. If the complaint does not require an immediate police response, personnel shall direct the caller to call the CFSU at (518) 447-8780, Monday through Friday between the hours of 0800 -1600.
 - b. Personnel shall advise the caller that information will not be made available unless they are able to provide the offenders identity and address.
2. Under no circumstances shall personnel of the Albany Police Department release any unauthorized information contained in the Sex Offender Registry. Release of unauthorized information is a class "B" misdemeanor and can result in civil liability for damages.



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