

UPPER MERION TOWNSHIP POLICE DEPARTMENT
POLICY AND PROCEDURE

No. 1510

Supersedes: NA

Effective: April 3, 2006

Page: NA Section: NA

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Dated: October 13, 2003

SEXUALLY VIOLENT PREDATOR COMMUNITY NOTIFICATION

I. **PURPOSE:** The purpose of this policy is to provide personnel with guidelines on Pennsylvania's sexually violent predator community notification requirements established under 42 Pa.C.S.A., Section 9791, et seq.

II. **POLICY:** It is the policy of the Upper Merion Township Police Department to comply with Sections 9797 and 9798 of the Pennsylvania Judicial Code (Title 42) in reference to written notifications made by the police department of the municipality where a sexually violent predator resides.

III. **DEFINITIONS:**

SEXUALLY VIOLENT PREDATOR: A person who has been convicted of a sexually violent offense as set forth in Section 9793(b) of Title 42, and who is determined to be a sexually violent predator under Section 9794(2) of Title 42 due to a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses (see Title 42, Section 9792).

IV. **PROCEDURE:**

A. NOTIFICATION:

1. Sexually violent predator notification shall be made only in the following two circumstances:
 - a. When the convicted sex offender is determined to be a sexually violent predator (see Title 42, Section 9794(e),
 - b. When the convicted sex offender is determined to be a sexually violent predator and enters Pennsylvania under the Interstate Compact Act.

2. The Pennsylvania State Police will provide the information obtained under Sections 9794 and 9795 of Title 42 to the chief law enforcement officer of the police department of the municipality in which the offender will reside. In addition, the Pennsylvania State Police will provide this officer with the address at which the offender will reside following his release from incarceration, parole or probation (see Title 42, Section 9793(c)).
 - a. A change of address of an offender required to register, reported to the Pennsylvania State Police, shall be immediately reported by the Pennsylvania State Police to the appropriate law enforcement agency having jurisdiction of the offender's new place of residence.
 - b. Where any offender fails to provide verification of residence within the ten day period as set forth in Title 42, Section 9796, the Pennsylvania State Police shall immediately notify the municipal police department of the offender's last verified residence. The police department is responsible to locate the offender and arrest him/her for violating that section (see Title 42, Sections 9796 (c & d)).
 - c. The Pennsylvania State Police shall notify, within 72 hours of receiving the offender's registration, the chief law enforcement officer of the police department having primary jurisdiction of the municipality in which an offender resides of the fact that the offender has been registered with the Pennsylvania State Police pursuant to Sections 9795 and 9796 of Title 42 (see Title 42, Section 9799.1(4)).
3. Upon receipt of notification that a sexually violent predator will reside in the police department's jurisdiction, the Chief of Police, or his/her designee, is responsible for notifying, **in writing**, the following persons (refer to Section IV-A-5 of this policy for notification time requirements):
 - a. Neighbors of the sexually violent predator.
 - b. The director of the county children and youth service agency of the county where the sexually violent predator resides.
 - c. The superintendent of each school district and the equivalent official for private and parochial schools enrolling students through grade 12 in the municipality where the sexually violent predator resides or is located within one mile of where he/she resides.
 - d. The director of each licensed day care center, licensed preschool program and owner/operator of each registered family day care home in the municipality where the sexually violent predator resides.
 - e. The president of each college, university and community college located within 1,000 feet of a sexually violent predator's address.

- f. The sexually violent predator's victim when the sexually violent predator registers initially and when he notifies the Pennsylvania State Police of any change in residence. This notice shall be given by the police department in whose area the offender is now living regardless of where the offense occurred. This notice must be given within 72 hours after the sexually violent predator registers or notifies the Pennsylvania State Police of a change of address. This notice shall contain the sexually violent predator's name and address or addresses where he resides. The police department must be able to document a good faith effort to locate and notify the victim.
4. The notification shall contain the following information:
 - a. The name of the convicted sexually violent predator,
 - b. The address at which he/she resides,
 - c. The offense for which he/she was convicted,
 - d. A statement that he/she has been designated by court order as a sexually violent predator, which designation has not been terminated as of a certain date,
 - e. A photograph of the sexually violent predator, if available,
 - f. The notice **shall not** include any information that might reveal the victim's name, identity and residence.
5. The time frames for notification once information of the sexually violent predator's release date and residence has been received are as follows:
 - a. For neighbors, 5 days, with verbal notice required if written notice is not possible within the 5 days time frame.
 - b. For all others specified in Section IV-A-3 of this policy, seven (7) days.
6. All information included in the community notification shall be available to the general public upon request (see Title 42, Section 9798 (d)), and may be provided by electronic means.

APPROVED: _____

DATE: _____

APPROVED: _____

DATE: _____

TO BE REVIEWED: ANNUALLY

DISTRIBUTION: All police officers
Township Manager
File