

HAVERFORD TOWNSHIP POLICE DEPARTMENT OPERATIONS MANUAL		
Issue Date February 2021	Review Date February 2022	Directive Number 4.8.1
Accreditation Index: 4.8.1		Rescinds: Directive 4.8.1 of November 2019
Chapter: Four – Pennsylvania Legal Mandates		Section: Eight – Pennsylvania Legal Mandates
Chief of Police: <i>John F. Viola</i>		

SUBJECT: NOTIFICATION OF SEXUALLY VIOLENT PREDATORS

I. PURPOSE

The purpose of this Directive is to provide guidelines to all Department personnel for implementing the requirements of Section 9799.27 and 9799.26 of the Pennsylvania Judicial Code, Title 42 in reference to written notification of sexually violent predators residing in Haverford Township. Specifically, where a sexually violent offender or sexually violent delinquent child lives as required by 42 Pa C.S.A. Section 9799.11.

II. POLICY

A paramount concern of the Haverford Township Police Department is the continued safety of all residents of the community. Notifications made to appropriate individuals and agencies within Haverford Township of the residency of a sexually violent predator within the township assists in fulfilling this safety concern. Therefore it shall be the policy of this Department to implement and adhere to the mandates for notification of residency of sexually violent predators as provided for in Sections 9799.27 and 9799.26 of the Pennsylvania Judicial Code, Title 42.

III. DEFINITIONS

The following term(s) shall have the definitions as determined in Section 9799.12 of the Pennsylvania Judicial Code, Title 42.

Sexually Violent Delinquent Child - As defined in section 6402 (relating to definitions) if the determination as a sexually violent delinquent child is based on an act of sexual violence, as defined in section 6402, committed on or after

December 20, 2012, for which the child was adjudicated delinquent and determined to be in need of commitment for involuntary treatment as specified in Chapter 64 (relating to court-ordered involuntary treatment of certain sexually violent persons).

Sexually Violent Predator – An individual who committed a sexually violent offense on or after December 20, 2012, for which the individual was convicted, specified in: (1) section 9799.14(b)(1), (2), (3), (4), (5), (6), (8), (9) or (10) (relating to sexual offenses and tier system) or an attempt, conspiracy or solicitation to commit any offense under section 9799.14(b)(1), (2), (3), (4), (5), (6), (8), (9) or (10); (2) section 9799.14(c)(1), (1.1), (1.2), (1.3), (2), (3), (4), (5) or (6) or an attempt, conspiracy or solicitation to commit an offense under section 9799.14(c)(1), (1.1), (1.2), (1.3), (2), (3), (4), (5) or (6); or (3) section 9799.14(d)(1), (2), (3), (4), (5), (6), (7), (8) or (9) or an attempt, conspiracy or solicitation to commit an offense under section 9799.14(d)(1), (2), (3), (4), (5), (6), (7), (8) or (9) who is determined to be a sexually violent predator under section 9799.24 (relating to assessments) due to a mental abnormality or personality disorder that makes the individual likely to engage in predatory sexually violent offenses. The term includes an individual determined to be a sexually violent predator or similar designation where the determination occurred in another jurisdiction, a foreign country or by court martial following a judicial or administrative determination pursuant to a process similar to that under section 9799.24 where the determination or designation is based on the commitment of a sexually violent offense on or after December 20, 2012, for which the individual was convicted.

Transient - A sexual offender who does not have a residence but nevertheless resides in this Commonwealth in a temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park.

IV. PROCEDURES

A. Notification Requirements

1. When a sexually violent predator, or sexually violent delinquent child, as defined in this Directive, is living within the Township it shall be the responsibility of the Chief of Police to provide notification of this fact to the following people:
 - a. Neighbors of the sexually violent predator or sexually violent delinquent child.
 - b. The Director of the Delaware County Children and Youth Services agency.
 - c. The Superintendent of the Haverford Township School District and the equivalent official of any parochial or

private school within the municipality where the sexually violent predator or sexually violent delinquent child resides or is located within a one mile radius of the predator's or delinquent child's residence or is transient.

- d. The licensee of each certified day care center and licensed pre-school program and the owner/operator of each registered family day care home in the Township.
- e. The president of each college, university and community college located within 1,000 feet of a sexually violent predator's or sexually violent delinquent child's residence.

(PLEAC 4.8.1 b)

2. Written notifications shall contain the following information:

- a. The name of the convicted sexually violent predator or sexually violent delinquent child.
- b. The address or addresses at which the predator or delinquent child is residing. If the individual is a transient, written notice under this paragraph shall consist of the transient's temporary habitat or other temporary place of abode or dwelling, including, but not limited to a homeless shelter or park, and a list of the place the transient eats, frequents and engages in leisure activities.
- c. The offense for which the predator or delinquent child has been convicted, sentenced by a court, adjudicated delinquent or court martialled.
- d. A statement that the predator or delinquent child has been determined by court order to be a sexually violent predator, or sexually violent delinquent child, which determination has or has not been terminated as of a certain date.
- e. A photograph of the sexually violent predator or sexually delinquent child if available.
- f. The written notification shall NOT include any information that might reveal the victim's name, identity, and residence.

(PLEAC 4.8.1 a)

3. Notification shall be completed within time frames indicated in subsections a and b:

- a. Neighbors, within 5 days after information of the sexual violent predator or sexually violent delinquent child's

release date and residence has been received by the Chief of Police. Notwithstanding the provisions of subsection c of Section 9799.27 of the Pennsylvania Judicial Code, Title 42, verbal notification may be used if written notification would delay meeting this time requirement.

- b. To persons specified in subsection 9799.27 (b) (2), (3), (4), and (5) shall be provided within (7) days after the Chief of Police receives information regarding the sexually violent predator's or sexually violent delinquent child's release date and residence. These are to include:
 - i. The Director of the Delaware County Children and Youth Services agency
 - ii. The Superintendent of the Haverford Township School District and the equivalent official of any parochial or private school within the municipality where the predator or delinquent child resides or is located within a one-mile radius of the predator's or delinquent child's residence or is transient.
 - iii. The licensee of each certified day care center and licensed pre-school program and the owner/operator of each registered family day care home in the Township.
 - iv. The president of each college, university and community college located within 1,000 feet of a sexually violent predator's or sexually violent delinquent child's residence.

(PLEAC 4.8.1 c)

- 4. All information provided in accordance with this Directive shall be available, upon request, to the general public. This information may also be provided by electronic means to the general public.
(PLEAC 4.8.1 d)

B. Notification Responsibilities

- 1. The Special Operations Unit shall be responsible for compliance with the provisions outlined in this Directive.
 - a. The Supervisor of the Special Operations Unit shall ensure that all applicable provisions of Section 9798 of the Pennsylvania Judicial Code, Title 42 and this Directive are completed as required.

2. The Supervisor of the Special Operations Unit shall notify the Deputy Chief of Police of any sexually violent predator notification to be performed. This Supervisor shall also notify the Deputy Chief of Police at the completion of the notification process.
3. The Deputy Chief of Police shall notify the Chief of Police of the completion of the notification process.
4. The Supervisor of the Special Operations Unit shall ensure that an incident report is completed detailing the notification actions taken.

BY ORDER OF THE CHIEF OF POLICE