

CORNING JOINT FIRE DISTRICT

Sex Offender Policy

Adopted: October 30, 2019

Revised:

Policy #:	
Policy:	Sex Offender Policy
Effective Date:	October 30, 2019
Authority:	Executive Law § 837-o; Corrections Law Article 23-A; Town Law § 176 (21)
Cross-reference:	

Purpose: Executive Law § 837-o was amended in 2014 to require volunteer fire companies to determine whether an applicant for membership has been convicted of a sexual offense that required the applicant to register as a sex offender. The following process sets forth the manner in which the Fire Company of the Fire District shall evaluate applications for membership in regard to statutorily required searches for convictions of the crime of arson and any crime requiring a person to register as a sex offender under Article 6-C of the Correction Law. The Fire Company of the Fire District should consult with the Board of Fire Commissioners or Fire Company counsel for further direction or if clarification of this policy is needed.

Statutory References: Executive Law § 837-o

Policy:

1. Applicant shall authorize the submission of his or her name and any required identifying information to be set forth on the search request form provided by Division of Criminal Justice Services. This form can be obtained from the County Sheriff's Office.
2. The Chief sends the completed search request form to either the County Sheriff's Office or OFPC (County Legislature can regulate Sheriff's office out of this requirement).
3. Sheriff's Office or OFPC have 10 days from the date of the request to provide Chief with a written report regarding the results of the search. The report will say one of the following:
 - (i) the applicant stands convicted of arson and/or a crime which requires the person to register as a sex offender under Article 6-C of the correction law; or
 - (ii) the applicant has no record of conviction for arson or a crime which requires the person to register as a sex offender under Article 6-C of the correction law.
4. If the applicant stands convicted of a crime that required the applicant to register as a sex offender as noted above, the Fire Company must determine whether the applicant is eligible to be elected or appointed as a volunteer member of the fire company. The company's determination shall be made in accordance with the

criteria established in Correction Law § 752 and Correction Law § 753. The company may reject the application if it determines that:

- (1) there is a direct relationship between one or more of the previous criminal offenses and the prospective firematic duties of the applicant; or
- (2) acceptance of the applicant into membership would result in an unreasonable risk to property or to the safety or welfare of specific individuals or to the general public.

A. To evaluate the aforementioned criteria, the fire company shall consider:

(a) The public policy of New York State, as expressed in Correction Law § 753, which encourages the licensure and employment of persons previously convicted of one or more criminal offenses.

(b) The specific duties and responsibilities necessarily related to the membership sought or by the applicant.

(c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.

(d) The time that has elapsed since the occurrence of the criminal offense or offenses.

(e) The age of the person at the time of occurrence of the criminal offense or offenses.

(f) The seriousness of the offense or offenses for which the applicant was convicted.

(g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

(h) The legitimate interest of the Fire Company and the Fire District in protecting property, as well as the safety and welfare of specific individuals or the general public.

5. As in cases where an applicant is rendered ineligible for membership due to a conviction for a sex offense or any criminal offense other than arson (of any degree), an applicant must be advised that she has the right to challenge and appeal the information contained in the record of conviction in accordance with procedures set forth by the Company. The applicant must also be provided with:

a) a copy of the criminal history record received by the Fire Company; and

b) a copy of Correction Law § 752 and Correction Law § 753.