



# Sex Offender Management

## 2008 Crimestat Update

This report consists of selected performance measures used to monitor Sex Offender Management in New York State. Additional program information can be found at [www.criminaljustice.state.ny.us](http://www.criminaljustice.state.ny.us). Operational guidance on sex offender management for law enforcement, courts, district attorneys, and parole and probation officers is also available on eJusticeNY, a secure extranet site. The content of this report is also included in the *2008 Criminal Justice Crimestat Report*.

This report is one in a series of performance reports prepared by the Division of Criminal Justice Services. Other Crimestat Reports are available on the DCJS website at [www.criminaljustice.state.ny.us](http://www.criminaljustice.state.ny.us)

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# Sex Offender Management in New York State

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Protecting citizens from sexual predators and effectively supervising convicted sex offenders in the community are high priorities of the criminal justice system. State and local law enforcement agencies work together to accomplish these goals, including:

- Board of Examiners of Sex Offenders (BOE)
- Division of Criminal Justice Services (DCJS)
- Department of Correctional Services (DOCS)
- Division of Parole (DOP)
- Division of Probation and Correctional Alternatives (DPCA)
- Division of State Police (DSP)
- Office of Court Administration (OCA)
- Office of Mental Health (OMH)
- County Probation Departments and Jails
- Courts and District Attorneys' Offices
- Local Police Agencies

The Sex Offender Registration Act (SORA) was enacted in January 1996. Under this law, convicted sex offenders are assigned a risk level, must register with the Division of Criminal Justice Services (DCJS) and are required to comply with other SORA requirements. These requirements include an annual address verification, notification of change of address and a provision requiring updated photographs.

SORA established a five-member Board of Examiners of Sex Offenders (BOE) to assess registrants released from jail or prison and recommend a risk level. The BOE also determines whether an offender convicted in another jurisdiction must register with the New York State Registry when the offender establishes a residence in New York State. Costs incurred by the Board are supported by DCJS, the Department of Correctional Services (DOCS) and the Division of Parole (DOP).

In April 2007, the Sex Offender Management and Treatment Act was enacted, creating a new Office of Sex Offender Management (OSOM) within DCJS. OSOM has a broad mandate which includes: leading interagency initiatives to improve sex offender management; advising the Governor and Legislature on sex offender issues; training professionals on the best ways to supervise, treat, and manage sex offenders; conducting community outreach and education; and leading public awareness campaigns to prevent sex crimes. In addition, OSOM conducts research and oversees the Sex Offender Registry.

The Sex Offender Registry provides information to the public regarding registered sex offenders through a toll-free telephone number and a public website. DCJS transmits registrant information to the National Sex Offender Registry as required by law and regularly transmits information to local law enforcement agencies.

Parole and county probation departments closely supervise sex offenders who are subject to parole and probation supervision requirements. These agencies manage sex offenders through face-to-face contacts, verifying information, imposing special conditions, and enforcing compliance with SORA requirements.

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There are three levels of risk, based on an offender's risk of re-offending and the threat posed to public safety: Level 1 (low), Level 2 (moderate), and Level 3 (high). As a general rule, the sentencing court determines an offender's risk level either at the time of sentence or shortly thereafter if the sentence is non-incarcerative or a split sentence. If the offender is sentenced to a term of incarceration, the court determination is done just before the offender is released from custody. The risk level assigned governs the amount and type of community notification authorized for a particular offender. There are also three designations made by the sentencing court that may be assigned to a sex offender: sexual predator, sexually violent offender or predicate sex offender. These designations, along with the risk level, govern the duration of the offender's registration period. Offenders are required to be registered for either 20 years or life.

## Key Public Service Areas

- Maintain the Sex Offender Registry and ensure convicted offenders are registered and assessed for risk
- Provide training, guidance and information to criminal justice professionals on sex offender management
- Provide Registry information to the public
- Closely supervise parolees and probationers on the Registry and improve compliance of offenders with Registry requirements
- Review certain offenders for civil management prior to release

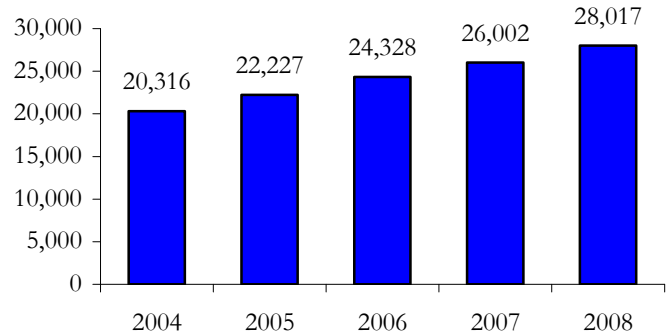
## Critical Objectives

- Process registration forms within required timeframes
- Reduce the number of offenders with a pending risk level
- Increase public usage of the Sex Offender Registry public website
- Monitor the behavior of supervised sex offenders and routinely verify their reported addresses
- Evaluate sex offenders for civil management

# Sex Offender Management in New York State

The Sex Offender Registration Act (SORA) requires offenders to register their addresses with the State and authorizes law enforcement to notify the public about certain sex offenders living in their communities. Legislation passed over the past 12 years has increased the number of crimes for which offenders are required to register. This, in conjunction with the fact that no offenders have yet been removed from the Registry due to the minimum 20 year duration requirement, has resulted in a steady increase in the number of registered sex offenders. As of December 31, 2008, a total of 28,017 offenders were on the NYS Sex Offender Registry (SOR).

**Offenders on Registry**  
(End of Year)

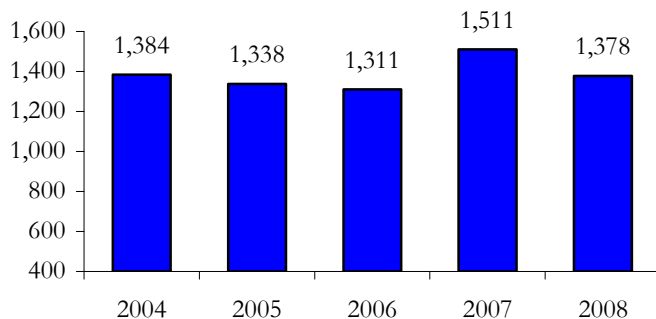


## Sex Offender Risk Level and Registration Process

A risk level must be designated by the court for each newly registered offender. The Board of Examiners of Sex Offenders (BOE) evaluates registrants being released from prison or jail and makes a risk level recommendation to the court. The BOE reviews about 75% of all registrants. For non-incarcerated offenders, the risk level is determined by the court, with a recommendation provided by the district attorney. The BOE also reviews the cases of offenders convicted in other jurisdictions who reside or expect to reside in New York State and determines whether these offenders must register in New York State.

Several factors are considered in the BOE risk assessment process. The BOE reviews the circumstances surrounding the sex offense conviction, the offender's criminal history, institutional adjustment, acceptance of responsibility for the crime and the offender's proposed living situation. The BOE forwards the risk level recommendation to the designated court at least 60 days prior to release, whenever possible, to ensure that the courts have adequate time to schedule the hearing.

**Board of Examiners of Sex Offenders**  
**Cases Assessed for Risk**  
(Annual)



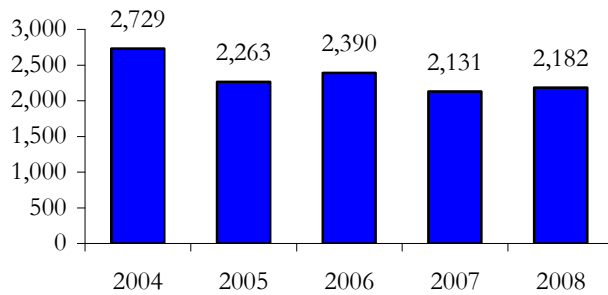
- ✓ BOE assessed 1,378 cases during 2008, a 9% decrease compared to 2007.
- ✓ Of the 1,378 BOE assessments completed, 65% were for offenders released from State prison.

# Sex Offender Management in New York State

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Registration forms signed by the offender are forwarded to SOR by State and local courts, local jails and DOCS. For those offenders released from custody, the registration forms are prepared and forwarded 10 days before release. SOR also registers offenders convicted in other jurisdictions who reside in New York State.

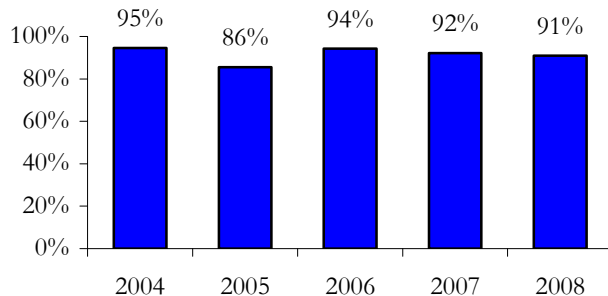
**Sex Offender Registry  
Registration Forms Processed**  
(Annual)



✓ During 2008, 2,182 registration forms were processed, an increase of 2% from 2007.

To ensure that information on newly registered sex offenders becomes available to the public as quickly as possible, SOR has established targets for timely data entry of registration forms into the SOR database. Registration forms which contain all mandatory data have a target entry date of one day from the date of receipt. Many registration forms submitted to the Registry are missing information and require extensive follow-up by staff. For these forms, the target timeframe for data entry is two days.

**Registration Forms  
% Processed Within Standard**  
(Annual)



✓ During 2008, 91% of sex offenders were registered within SOR standards.

✓ The SOR also processed 27,157 Change of Address forms during 2008, up 29% from 2007.

# Sex Offender Management in New York State

## Establishing Risk Levels for Sex Offenders

A critical objective of sex offender management is to maintain up-to-date information on SOR and ensure that convicted sex offenders are assessed for risk. Information on Level 2 and Level 3 offenders, those considered to be at a higher risk of re-offending, are posted on the public website. Until a risk level in place, no active community notification can occur and cases cannot be posted to the public Sex Offender Registry website.

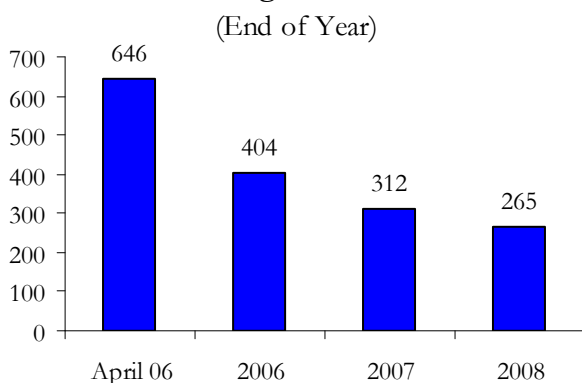
**Offenders on NYS Sex Offender Registry  
By Risk Level (End of Year)**

	2004	2005	2006	2007	2008	% of 2008 Total
<b>Level 1</b>	6,524	7,619	8,653	9,383	10,326	37%
<b>Level 2</b>	7,378	8,169	8,903	9,490	10,074	36%
<b>Level 3</b>	5,473	5,476	5,994	6,455	6,972	25%
<b>Pending *</b>	941	963	778	674	645	2%
<b>Total Cases</b>	20,316	22,227	24,328	26,002	28,017	100%

\* Includes cases not yet assigned to a court.

In 2006, DCJS, the BOE, the Office of Court Administration (OCA), DOCS and the Division of Parole (DOP) began an initiative to reduce the number of cases that were pending a risk level determination. These agencies developed a weekly case review process for sex offenders scheduled to be released from prison. In addition, each month a list of offenders residing in the community whose cases are pending is forwarded to the courts for action. The majority of the community cases received a sentence of jail or probation.

**Offenders Assigned to Court and  
Pending Risk Level**



✓ Since April 2006, the number of sex offender registrants whose risk level is pending with the court (excludes cases not yet assigned to a court) has decreased by 59%, going from 646 to 265. During the same period, the number of offenders on the Registry increased by 22%.

In 2006, the partner agencies established additional protocols through the support of the Board of Parole to ensure that, whenever possible, no sex offender was released from DOCS to supervision without a risk level determined by the court. This ensures that community notification by law enforcement on high-risk offenders is authorized as soon as offenders are released, that information on newly released Level 2 and Level 3 offenders is posted on the DCJS public website, and that supervising parole officers can investigate community residence plans and ensure offender

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compliance with the law. SOR staff coordinate the case tracking and work closely with all the partner agencies.

- ✓ During 2008, only 19 of the 1,943 sex offenders leaving State prison did not have a risk level in place on the day of their release. These 19 offenders are closely tracked, and as of February 26, 2009, 17 of the 19 have had their risk level assigned by the courts.

## Training

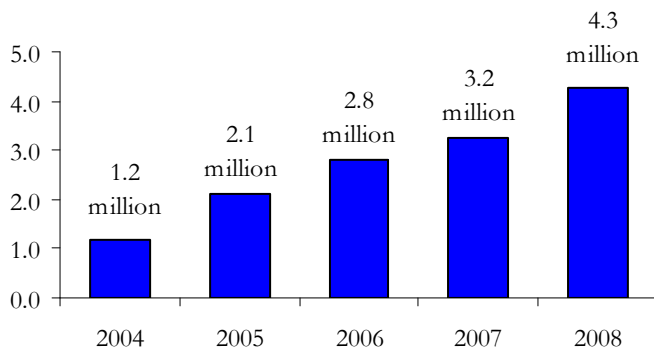
DCJS provides training on the Sex Offender Registration Act, the Sex Offender Management and Treatment Act, and on the usage of eJusticeNY, through which the complete Sex Offender Registry is accessed. Since its establishment in April 2007, the Office of Sex Offender Management (OSOM) also has provided Sex Offender Management-related training.

- ✓ During 2008, OSOM convened leading experts to conduct 60 training sessions in 21 counties across the State.
- ✓ Participants in OSOM trainings included more than 3,500 law enforcement; parole and probation personnel; judges; district attorneys; court personnel; treatment providers; victim advocates; DOCS personnel; school and college representatives; and other community professionals who work with sex offenders.

## Sex Offender Information Provided to the Public

Pursuant to SORA statutory requirements, DCJS provides information to the public regarding sex offenders through a Subdirectory located on the DCJS public website and a toll-free telephone number that operates 24 hours per day. By law, information provided in the public Subdirectory is limited to Level 2 and Level 3 sex offenders.

**Public Subdirectory Searches**  
(Annual)

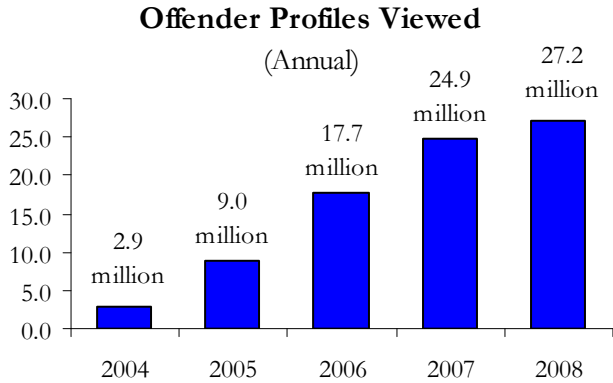


- ✓ Subdirectory searches on the public website have increased dramatically each year, with 4.3 million searches conducted during 2008, 34% higher than in 2007.

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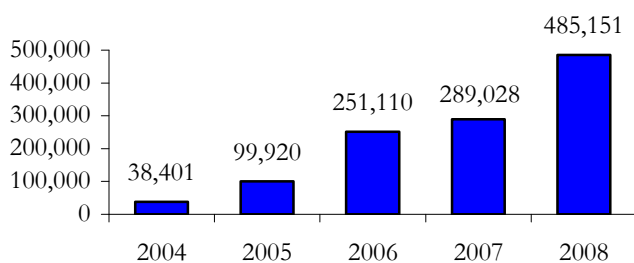
The public website allows users to search via three mechanisms: by specific offender name, for all offenders within a county or for all offenders within a given zip code. A list of matching offenders is returned to the user who can then click to view a comprehensive profile (including the offender's address and crime of conviction for any offender listed).

√ The number of sex offender profiles viewed by the public increased to 27.2 million profiles in 2008, 9% higher than 2007.



In addition to the information available in the Subdirectory on the public website, citizens, organizations and employers can call the toll-free number to inquire whether a specific person (or list of persons) is listed on the Registry. These phone inquiries require SOR staff to conduct a manual search of the SOR database. Legislation enacted in 2005 requires children's camps to conduct searches on all prospective employees. Beginning in 2008, the Registry started accepting computerized files for comparison against the Registry. In addition to increasing efficiency, the acceptance of electronic files contributed to a dramatic increase in the number of searches conducted.

**Phone/Fax/Data File Searches  
Conducted by DCJS**  
(Annual)



√ There were 485,151 name searches conducted in 2008, 68% more than 2007.

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## Matches on Searches Conducted by Registry Staff on Phone/Fax/Data File Inquiries (Annual)

	2004	2005	2006	2007	2008
<b>Searches</b>	38,401	99,920	251,110	289,028	485,151
<b>Matched</b>	912	1,882	2,178	1,722	1,355
<b>Percent Matched</b>	2%	2%	1%	1%	<1%

√ Of the 485,151 searches conducted by the Registry in 2008, matches were found for less than 1% of the searches conducted.

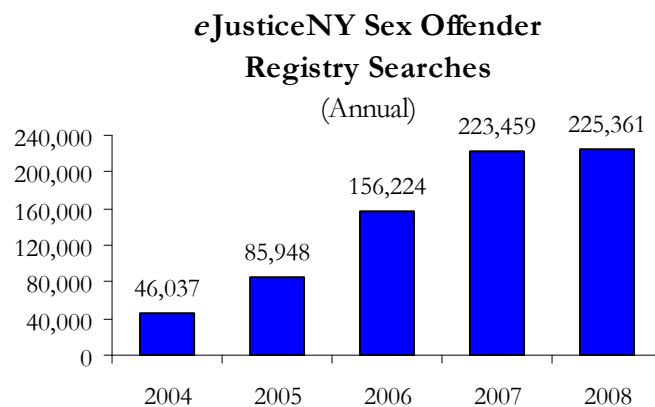
## Managing Sex Offenders in the Community

DCJS and other State agencies partner with local law enforcement to manage and supervise sex offenders in the community. This is done in several ways.

### Information for Law Enforcement

The complete Sex Offender Registry is a resource available through eJusticeNY, a secure website for law enforcement use. This database includes a complete sex offender address history including last reported address, a history of the offender's compliance with annual verification requirements and current status information. The complete Registry is available to all law enforcement agencies, district attorneys' offices, local Parole offices, and county probation departments, ensuring that all agencies which monitor and supervise sex offenders have the most up-to-date information available. In 2006, DCJS expanded access to the complete Registry to Supreme, County, City, District and New York City Criminal Courts in recognition of their responsibility to determine the risk level and designation.

√ Usage of the complete Registry by law enforcement continues to increase with 225,361 searches conducted during 2008.



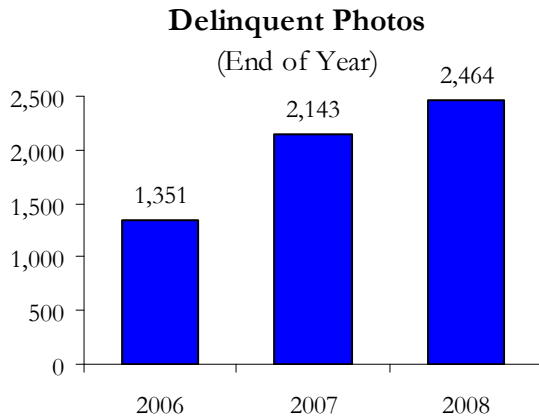
### Submitting Updated Sex Offender Photos

Legislation that became effective in April 2006 requires Level 3 sex offender registrants to submit an updated photo once a year, and Level 1 and 2 offenders to submit a photo every third year from the

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date of registration. Offenders must report to their local police departments to have the photos taken. In November 2006, a report was made available over eJusticeNY to assist the local departments with the monitoring of offenders and delinquent photos. Having updated photos as part of the Sex Offender Registry record helps ensure that sex offenders can be recognized by both law enforcement and the public. A sex offender is subject to arrest for failure to provide a photo as required by law.



- ✓ At the end of 2008, 2,464 offenders owed an updated photo, 15% more than at the end of 2007. During the same period, the number of offenders on the Registry increased by 8%.
- ✓ As of December 31, 2008, NYC sex offenders accounted for 52% of all delinquent photos statewide.

## e-STOP Legislation

Legislation enacted in May 2008 required sex offenders to register their Internet accounts, email addresses and screen names used for instant messaging and social networking. DCJS sent letters to more than 24,000 registered sex offenders in May 2008 informing them of the new law and requesting their Internet information.

- ✓ As of December 31, 2008, 16,500 offenders responded with the required information.
- ✓ 3,000 of the 24,000 original letters were returned as undeliverable by the Post Office. Any returned letter for which the Registry was unable to determine a valid address was referred to law enforcement for investigation.
- ✓ Approximately 4,700 offenders received an e-STOP letter but did not respond.

## Offender Compliance

Each year, on or about the anniversary of a sex offender's initial registration, DCJS mails an Address Verification Form to the sex offender's last listed address. If the sex offender does not reside at the last address on file at SOR, the form will be returned to DCJS by the Post Office. Offenders are required to sign and return the Annual Verification Form to DCJS within 10 days of receipt. If an offender fails to sign and return his or her annual Address Verification Form within the allotted time frame, DCJS sends a letter to the law enforcement agency having jurisdiction where the sex offender resides indicating that he or she failed to comply with the annual verification requirements. Homeless offenders, offenders who have been deported or are voluntarily living outside of the

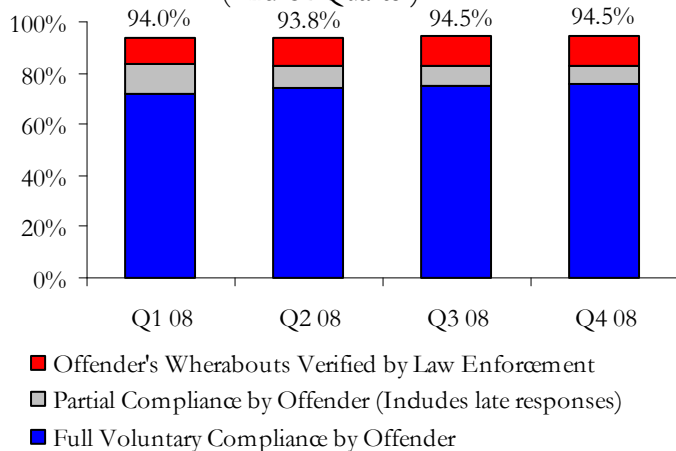
# Sex Offender Management in New York State

United States, and offenders who are incarcerated in State prison are excluded from the Annual Address Verification.

## Annual Address Verification

### Percent Verified

(End of Quarter)



- ✓ As of December 2008, the whereabouts of 94.5% of registered offenders were accounted for.
- ✓ 75.5% of registered sex offenders complied and returned their verification form on time. An additional 7.3% of offenders responded late or DCJS received other notification from the offender.
- ✓ Law enforcement investigated and accounted for an additional 11.7% of offenders.

## U.S. Marshal Service Initiative

In September 2007, DCJS and the Division of Parole began working with the U.S. Marshal Service (USMS) to locate sex offender registrants who failed to verify their addresses with the Sex Offender Registry. Sex offenders under parole supervision who abscond are also referred to the U.S. Marshal Service. DCJS refers Registry cases when an offender failed to submit the required annual verification form and a warrant has been issued for his or her arrest.

- ✓ Since inception, 413 sex offender cases have been referred to the U.S. Marshal Service, with 207 (50%) offenders located. Of these, 173 sex offenders have been apprehended. This includes 99 through the initiative and 74 by other law enforcement agencies. 34 offenders were located (e.g., incarcerated, hospitalized), but not extradited.

In October 2008, DPCA implemented Operation Return, an initiative coordinated with the U.S. Marshal Service to locate, arrest and return Level 2 and 3 probation sex offenders who abscond from supervision. Operation Return provides funding for costs associated with the sex offender's return.

- ✓ Through the end of December 2008, 58 county probation departments had referred nearly 90 sex offender absconder cases to the U.S. Marshal Service.

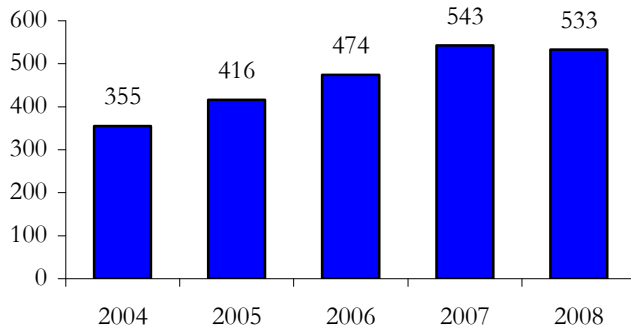
When a sex offender fails to comply with Registry requirements, the offender is subject to arrest for failing to register or verify. Effective August 17, 2007, the law was amended to increase the penalty imposed on a sex offender for failing to perform a Registry obligation under the Sex Offender Registration Act from a class A misdemeanor to a class E felony upon the first offense. Any second

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or subsequent offense remains a class D felony. Local law enforcement agencies continue to arrest sex offender registrants for failing to register or verify with the Registry. Failure to comply with SORA requirements is also a violation of Parole or probation for sex offender registrants under Parole or probation supervision.

**Convictions for Failure to Register  
or Verify as a Sex Offender**  
(Annual)



✓ During 2008, a total of 533 convictions were reported, down 2% compared to 2007.

## Reviewing Sex Offenders for Civil Management

The Sex Offender Management and Treatment Act (SOMTA) enacted in 2007 authorizes the civil management of sex offenders who have served their time in prison, or are about to complete parole supervision, but still suffer from a “mental abnormality” that predisposes them to commit sex offenses.

SOMTA procedure for referring and evaluating offenders provides two options for civil management: Offenders determined suitable to be released to the community may be placed on “Strict and Intensive Supervision and Treatment” where they are closely supervised by the Division of Parole. Offenders determined to be at the greatest risk of re-offense due to their mental abnormality may be civilly confined in a treatment facility.

- ✓ During 2008, OMH evaluated 1,582 sex offenders under SOMTA and recommended civil management for 8% (131) of the offenders.
- ✓ Petitions for Civil Management were filed in all of the 131 cases that OMH referred to the Attorney General’s Office, with 17 of these offenders ordered to be civilly confined and 9 of these offenders ordered to Strict and Intensive Supervision and Treatment (SIST) as of December 31, 2008.