



Division of Criminal
Justice Services

New York State Sex Offender Registry 2014 Annual Report

New York State Division of Criminal Justice Services
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**New York State
Sex Offender Registry and Registry Toll-Free Telephone Number
2014 Annual Report**

This report is submitted as required by New York State Correction Law §168-p (4) and §168-s.

It includes an overview of the Registry's activities in 2014 and statistics detailing the number of calls to the Registry's toll-free telephone number and searches of the Registry conducted as a result of those calls, among other data.

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New York State Sex Offender Registry Overview

The New York State Division of Criminal Justice Services (DCJS) is responsible for the administration of the state's Sex Offender Registry, which was created by the state's [Sex Offender Registration Act \(SORA\)](#).

Registry staff have a variety of responsibilities, including but not limited to:

- Adding newly registered sex offenders to the Registry;
- Mailing annual verification letters to all registered offenders; those letters require offenders to verify all information they are required to report by law and notify the Registry of any changes;
- Updating existing Registry records when changes are submitted by offenders as required by law;
- Checking residence addresses reported by offenders against U.S. Postal Service records prior to updating the Registry to ensure the address provided to the Registry is in fact a valid mailing address;
- Notifying police departments and sheriffs' offices whenever registered offenders notify the Registry that they have moved;
- Supporting local, county, state and federal law enforcement and criminal justice agencies, which are responsible for ensuring that registered offenders comply with requirements under the law and for deciding to bring criminal charges against offenders who fail to comply; and
- Providing information about registered sex offenders to the public, employers and volunteer organizations.

2014 Activities

At the end of 2014, a total of 37,948 sex offenders were registered in New York State. The law provides for a risk level – 1, 2 or 3 – to be assigned to each offender; risk level is set by a judge after a court hearing.

Of the 37,948 registered sex offenders at the end of 2014:

- 14,672 were Level 1: low risk of re-offense
- 13,293 were Level 2: medium risk of re-offense
- 9,213 were Level 3: high risk of re-offense

Another 770 offenders had not yet had their risk levels set by a judge.

Risk level determines how information about an offender is made available to the public. Information about all registered sex offenders, regardless of risk level, is available through a toll-free number while information about Level 2 and 3 offenders also is available on the DCJS website.

Registry staff processed 20,888 annual address verifications from registered offenders last year and processed another 45,549 changes to Registry information submitted by offenders.

The Sex Offender Registration Act details the information that offenders are required to provide to the Registry, including residence address, photographs and vehicle information.

The state's Electronic Security and Targeting of Online Predators Act (eSTOP) also requires offenders to report Internet information, such as Internet service providers, e-mail addresses and social media accounts, to the Registry. In turn, the Registry can provide that information, upon request, to social networking websites that have members under the age of 18. Any change in Internet accounts, e-mail addresses or screen names must be reported to DCJS no later than 10 days after such change.

In 2014, the Registry provided Internet information reported by registered sex offenders to 35 social networking websites on a weekly basis. The websites may use the information to prescreen or remove sex offenders from their services and/or advise law enforcement of potential threats to public safety and/or violations of law.

Working in partnership with the DCJS Office of Internal Audit, Registry staff reviewed the residence addresses of 14,079 Level 2 and Level 3 sex offenders to verify their accuracy with the U.S. Postal Service. As a result of that audit, Registry staff referred residence addresses of 215 sex offenders to local law enforcement for further investigation.

In addition, offenders who died are removed from the Registry after staff receive proper documentation, such as a death certificate, police report, funeral home-affiliated obituary or Social Security death index). The Registry removed 252 offenders in 2014 after receiving proper notification of their deaths.

2014 Enhancements

Registry staff worked in partnership with the state's Office of Information Technology Services to enhance the online directory of Level 2 and 3 sex offenders, which is available to the public through the DCJS website: www.criminaljustice.ny.gov/nsor.

Those changes include redesigning the online directory to be compatible with mobile devices and integrating a mapping functionality so all reported addresses, including residence, employment and place of higher education can be displayed.

In addition to improving functionality and design, the Registry's technology infrastructure was upgraded to allow for additional information to be available to the public and law enforcement:

- The Registry now lists every conviction requiring registration for those offenders who have multiple convictions. Prior to this change, only an offender's current conviction requiring registration was included.
- To list multiple offenses requiring registration, Registry staff reviewed the records of all registered sex offenders, determining that 1,521 individuals had two or more convictions.
 - Once those individuals were identified, Registry staff were required to manually enter those prior convictions into the Registry database; this a process took five

- months to accomplish.
 - It is now standard practice to include all convictions requiring registration whenever new offenders are added to the Registry.
- The Registry now notes when an offender’s reported address cannot be verified with the U.S. Postal Service and has been referred to law enforcement for further investigation.

These enhancements follow others made within the past two years, including the addition of multiple residence and work addresses, if reported by offenders, and inclusion of multiple photos of offenders, when available, since a person’s appearance can change over time.

Operation of the Toll-Free Number

In addition to posting information about certain offenders online, the Sex Offender Registration Act requires the Registry to provide information about registered offenders through a toll-free telephone number: 800-262-3257.

Registry staff estimate that approximately 70 percent of the calls received on the toll-free line are from businesses, such as potential employers and volunteer groups who are screening applicants. The remaining 30 percent of the calls are from private citizens.

In 2014, individuals, representatives from non-profit and other organizations and employers placed 42,694 calls to the toll-free number, inquiring whether a specific person or list of persons is on the Registry. Those inquiries required staff to conduct a manual search of the Registry database.

The Registry also operates a dedicated phone line to assist law enforcement agencies and a main office line also receives calls from the general public and offenders who have questions about the Registry or registration obligations.

Children’s camps are required by law to conduct searches on all prospective employees and volunteers. The Registry accepts electronic files when there is a large number of names to be searched.

In addition to increasing efficiency, acceptance of electronic files has contributed to a significant increase in the number of searches conducted. In 2014, the Registry handled 1,604 electronic submissions, which required staff to search 659,238 names against the Registry; that compares to 1,463 electronic submissions in 2012, which required a search of 250,168 names.

Registry staff also searched another 154,325 names in response to calls made to the toll-free number in 2014.

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| Total calls to the Sex Offender Registry | 42,694 |
| Toll-free telephone number | 34,093 |
| Law enforcement telephone number | 2,519 |
| Main telephone number | 6,082 |

| Toll-Free (800) Telephone Number Report <i>(as required by Correction Law §168-p(4))</i> | |
|---|------------|
| 800 Number Searches Requested by Phone Call | 34,093 |
| 800 Number Searches Submitted Electronically | 1,604 |
| 800 Searches Completed Electronically | 659,238 |
| 800 Number Searches Completed (total of calls and electronic submissions) | 813,608 |
| Affirmative Responses/Matches to Registered Offenders | 1,325 |
| Negative Responses/No Match to a Registered Offender | 812,283 |
| Average length of call | 2.18 |
| Total number of minutes | 94,322.74 |
| Cost per minute | .045 |
| Total cost | \$3,344.52 |
| Total Number of Offenders on the Registry at the end of 2014 | 37,948 |

Sex Offender Registration Act: History and Background

The Sex Offender Registration Act (SORA), also known as Megan’s Law, took effect on Jan. 21, 1996. SORA is detailed in Correction Law Article 6-C and provides for the registration of sex offenders in New York State and notification to the public about certain sex offenders living in the community.

Modeled upon the provisions of the federal Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, New York’s law recognizes concerns unique to the state and details a multi-agency, multi-disciplinary registration and community notification process for sex offenders.

The law provides for three forms of sex offender information dissemination and community notification:

- Local police departments and sheriffs’ offices with jurisdiction over the community in which an offender currently resides may, if they wish, release information on sex offenders residing in the community to entities with vulnerable populations, as defined under the law.
 - By law, the exact address of Level 2 and 3 offenders can be provided by local law enforcement, while only the zip code can be provided for Level 1 offenders.
- Individuals can call 800-262-3257 to determine if a named individual is on the Registry.

- In order to obtain information, a caller must have the name of the offender and one of the following: an exact address, a complete date of birth, a driver's license number or a Social Security number. Information about Level 1, 2 and 3 offenders, and offenders whose risk level has not yet been set by the courts, is available through the toll-free number.
- Individuals can access information about Level 2 and 3 Sex Offenders online at: <http://www.criminaljustice.ny.gov/nsor>.
- Please note that a federal court injunction still prohibits the release of information by police agencies on sex offenders who committed their crime prior to Jan. 21, 1996, and who were assigned a risk level prior to Jan. 1, 2000 (see Page 6 for more information).

Among other obligations, sex offenders are required to:

- Annually verify his or her address by returning the address verification letter to DCJS within 10 days of receipt. The annual verification letter cannot be forwarded by the U.S. Postal Service to a new address;
- Provide DCJS with notification within 10 days of any change in address, change in Internet accounts, Internet identifiers, or change in status of enrollment, attendance, employment or residence at any institution of higher education; and
- Submit an updated photo annually if they are designated as Level 3 offenders, or every third year if designated as Level 1 or 2 offenders.
 - Offenders must report to their local police departments to have their photos taken. The Registry can accept both electronic and hard copy photos and multiple photos are included in the Registry whenever available.

In addition, Level 3 offenders or offenders of any risk level designated as sexual predators must personally verify their addresses every 90 days with the local law enforcement agency having jurisdiction over those residences.

The law also permits law enforcement to take a new photograph of the Level 3 offender or offender of any risk level designated as a sexual predator if it appears that the offender's appearance has changed since the most recent photograph was submitted to DCJS.

Offenders who fail to comply with any obligations under the law can be charged with a felony. A first conviction is punishable as a Class E felony; a second or subsequent conviction is punishable as a Class D felony.

The law also requires the Registry and/or DCJS to:

- *Provide Notification to Law Enforcement Agencies:* The Registry notifies police departments and sheriffs' offices whenever registered offenders notify the Registry that they have moved. Police departments, sheriffs' offices, district attorneys' offices, county probation departments, local parole offices, and family and criminal courts, have access to the complete Sex Offender Registry through a secure, online portal.

- The complete Registry contains additional information not available to the public, including but not limited to: an offender's complete address history, including last reported address; a history of the offender's compliance with annual verification requirements and current status information, for example, if an offender is incarcerated or has been deported.
- This complete access is designed to ensure all agencies monitoring and supervising sex offenders have the most up-to-date information available. Family courts are required to conduct a check of the Registry whenever orders of custody or visitation are issued or modified.
- *Maintain a Subdirectory of Level 2 and 3 Sex Offenders on the Internet:* Only information about Level 2 and Level 3 sex offenders can be posted online. The online directory of these registered sex offenders is available on the DCJS website: www.criminaljustice.ny.gov/nsor.
 - Sex offenders can be searched by using one of three following criteria: last name, county or zip code. Information on the website includes the name, address, and a photograph(s) of the offender along with the offender's age, distinctive markings, crime of conviction, modus of operation, type of victim targeted and special conditions, if available.
- *Operate a toll-free telephone number:* As noted earlier, the law requires DCJS operate a toll-free telephone number that the public can call to inquire whether a named individual is listed on the Registry.
 - The law requires callers to provide their name, address and telephone number. In order to inquire about an individual, callers must provide the first and last name of the person to be searched and one of the following identifiers: an exact address, date of birth, Social Security number or driver's license number.
 - If an offender is listed, the Registry will tell the caller that it appears that the individual identified is on the Registry, and will release information as appropriate, as determined by the offender's risk level:
 - *Pending Risk Level:* For offenders whose risk level has not yet been set by the courts, the caller can only be advised that the offender is registered. By law, no additional information can be released.
 - *Levels 1, 2 and 3 offenders:* The caller will receive information including the offender's crime of conviction, mode of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides, and the description of special conditions imposed on the offender by the court or parole or probation authorities. Residence address information is limited to zip code for Level 1 offenders, while complete addresses are available for Level 2 and 3 offenders. In addition, callers inquiring about
 - Level 2 or Level 3 offenders also will be directed to the online directory available through the DCJS website for more information.

- *Enhance Public Awareness about the Registry:* Information about the law, including frequently asked questions, and access to information about Level 2 and Level 3 offenders is available 24 hours a day on the DCJS website: www.criminaljustice.ny.gov/nsor.
 - The public may also access the public Sex Offender Registry via Facebook at www.facebook.com/NYSPublicSafety.

Sex Offender Management and Treatment Act

The Office of Sex Offender Management at DCJS was created by the Sex Offender Management and Treatment Act, which took effect in April 2007. The office oversees the Registry and also is tasked with the following responsibilities: 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.

Risk Assessment and Board of Examiners of Sex Offenders

By law, every registered sex offender must be assigned a risk level. The Sex Offender Registration Act created the Board of Examiners of Sex Offenders, consisting of five members appointed by the Governor, and requires the board to develop guidelines and procedures to assess the risk of a repeat offense by sex offenders and the threat they pose to public safety.

The guidelines were developed with the assistance of a consultant with expertise in the field of sex offender research and risk assessment and with assistance from a group of experts with diverse experience in dealing with sex offenders. Guidelines were established that bring academic knowledge and practical acumen to the difficult task of predicting whether a person convicted of a sex crime is likely to reoffend.

Applying the guidelines, the board is responsible for making risk assessment recommendations to the sentencing court for offenders who were sentenced to state incarceration or definite local jail terms. The board also makes registration determinations and risk assessment recommendations for individuals who were convicted in other jurisdictions and either live in, or move, to New York State. Other jurisdictions include other states or countries and federal and military courts. Additionally, the board provides sentencing courts with updated reports whenever sex offenders exercise their rights under the law to file petitions for relief from registration or risk level modifications.

Risk level is only assigned by a judge after a hearing in court.

Training

The Office of Sex Offender Management staff provides training to criminal justice professionals. Trainings provide valuable information for those monitoring, supervising or working with sex offenders within the criminal justice system. Training topics include an overview of the Sex Offender Registration Act, highlighting offenders' obligations, how to charge an offense under the law and what to do when encountering out of state sex offenders new to New York State.

Federal Court Injunction

The Sex Offender Registration Act was applied to all individuals who were convicted of qualifying offenses and who had not completed serving their sentence on the effective date of Jan. 21, 1996. As a result of that retroactive application, New York State has been subject to litigation.

Shortly after the law went into effect, it was challenged on the basis that it violated the Ex Post Facto Clause of the U.S. Constitution, since it applied to offenders who had committed their crime prior to the law's effective date and, on due process and statutory grounds, with regard to the method by which offenders received a risk level determination.

The U.S. District Court for the Southern District of New York held that the notification provisions of the law violated the ex post facto clause and ordered that the Registry not provide community notification for any offenders who had committed their crime prior to the Jan. 21, 1996, effective date (Doe v. Pataki, 940 F.Supp. 603 (S.D.N.Y. 1996)). The Second Circuit reversed the District Court decision regarding notification and held that since SORA did not constitute punishment, it did not violate the ex post facto clause (Doe v. Pataki, 120 F.3d 1263 (2d Cir. 1997)). On remand, the District Court granted plaintiffs' motion to add an additional class of plaintiffs and held that the method by which offenders were assigned a risk level violated due process (Doe v. Pataki, 3 F.Supp.2d 456 (S.D.N.Y. 1998)).

The District Court granted a permanent injunction prohibiting community notification for offenders who were on parole or probation on Jan. 21, 1996, and who received a risk level determination from the Division of Parole (now Department of Corrections and Community Supervision) or the Division of Probation and Correctional Alternatives (now the DCJS Office of Probation and Correctional Alternatives).

In addition, the District Court also granted a preliminary injunction prohibiting community notification for offenders who committed their crime prior to Jan. 21, 1996, and who had their risk level determination made by the sentencing court. The Sex Offender Registration Act was amended, effective Jan. 1, 2000, to provide for the requisite due process hearing.

As a result of these legal challenges, the community cannot be notified about offenders who committed their crime prior to Jan. 21, 1996, and were risk-leveled prior to Jan. 1, 2000, including those offenders who were assigned a risk level by Parole or the Division of Probation and Correctional Alternatives, until a risk level hearing has been held and risk level set by a judge. At the end of 2014, approximately 60 offenders were awaiting court hearings to determine their risk level.

National Sex Offender Registry Participation

Information on all sex offenders registered in New York State is transmitted to the National Sex Offender Registry, which is administered by the FBI. The federal Registry includes detailed registration information and a photograph and fingerprint image of all sex offenders registered throughout the nation. The information from the federal Registry is available to law enforcement agencies nationwide and assists them in tracking sex offenders who are registered in other states or traveling throughout the nation.