



Sex Offender Management

2006 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. 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 *2006 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

ELIOT SPITZER
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Issued: February 8, 2007

Sex Offender Management in New York State

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)
- 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 resides or plans to reside 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).

There are three levels of risk, based on an offender's risk of re-offending: 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.

DCJS maintains the Sex Offender Registry and provides information to the public regarding registered sex offenders through a toll-free phone line and a public website. DCJS also 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 re-enforcing compliance with SORA requirements.

Sex Offender Management in New York State

Key Public Service Areas

- Maintain up-to-date information on the Sex Offender Registry and ensure convicted offenders are registered and assessed for risk
- Review certain offenders for civil commitment prior to release
- Provide Registry information to the public
- Provide training, guidance and information to law enforcement on sex offenders
- Closely supervise parolees and probationers on the Registry and improve compliance of offenders with Registry requirements

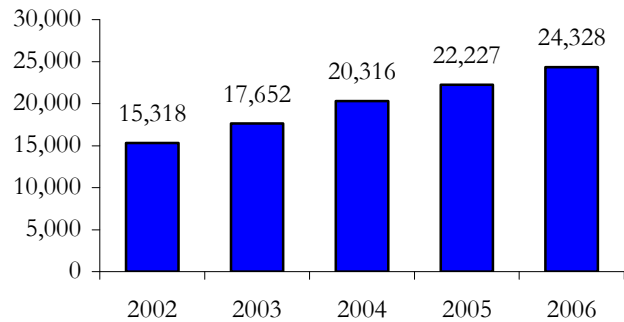
Critical Objectives

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

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 since 1996 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, 2006, a total of 24,328 offenders were on the NYS Sex Offender Registry (SOR).

Sex Offenders on Registry
(end of year)

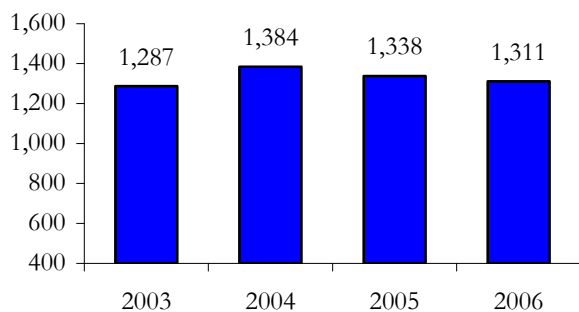


Sex Offender Risk Level and Registration Process

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 past 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)



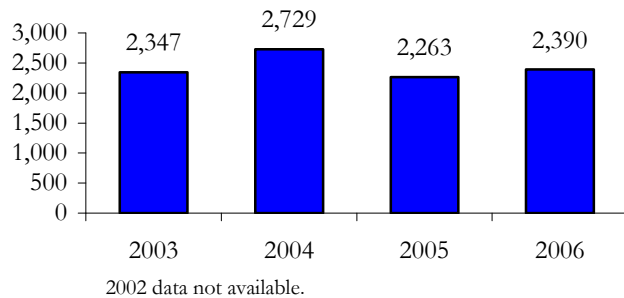
2002 data not available.

- ✓ BOE assessed 1,311 cases in 2006.
- ✓ Of the 1,311 BOE assessments completed, 64% were for offenders released from State prison.
- ✓ A total of 91% of the State prison cases were sent to the court at least 60 days prior to release. The BOE is notified by the Department of Correctional Services (DOCS) and local jails of cases which need an assessment, and is working with these partners to get timely notification in all cases.

Sex Offender Management in New York State

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 ten days before release. SOR registers offenders convicted in other jurisdictions who reside in New York State.

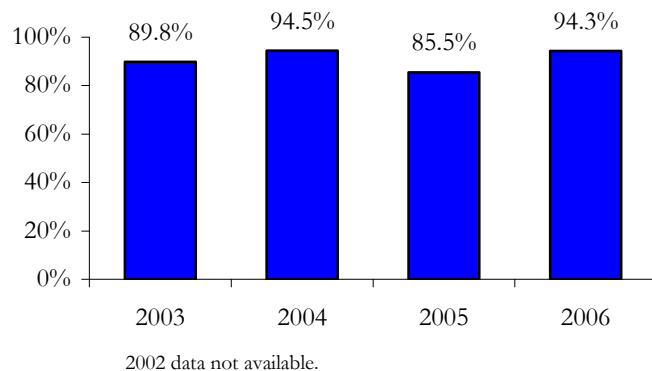
**Sex Offender Registry
Registration Forms Processed**
(annual)



✓ During 2006, 2,390 offenders were registered, 6% higher than the number registered during 2005.

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. Significant progress has been made in reducing the amount of time it takes to register an offender.

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



✓ Processing times improved during 2006, with 94% of sex offenders registered within SOR standards.

✓ The SOR also processed nearly 19,000 Change of Address forms during 2006. Approximately 15,000 were processed in 2005.

Sex Offender Management in New York State

Establishing Risk Levels for Sex Offenders

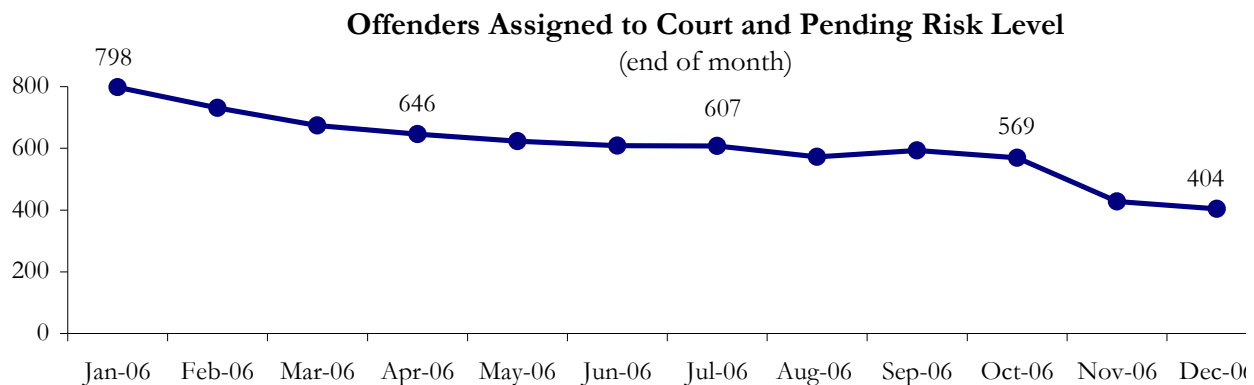
A critical objective of sex offender management is to maintain up-to-date information on SOR and ensure that convicted sex offenders are assessed for risk. Without a risk level in place, no active community notification can occur and the cases cannot be posted to the public Sex Offender Registry website. 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. These offenders represent 61% of all registrants.

**Offenders on NYS Sex Offender Registry
By Risk Level (end of year)**

	2003	2004	2005	2006	% of 2006 Total
Level 1	5,450	6,524	7,619	8,653	36%
Level 2	6,525	7,378	8,169	8,903	37%
Level 3	4,847	5,473	5,476	5,994	24%
Pending *	806	941	963	778	3%
Total Cases	17,628	20,316	22,227	24,328	100%

* Includes cases not yet assigned to a court.
2002 data not available.

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 which were pending a risk level. These agencies developed a weekly case review process for sex offenders scheduled to be released from prison. In addition, lists of pending cases in which the offenders were already residing in the community were forwarded to the courts for action.



Note: Excludes cases not yet assigned to a court, absconder cases living out-of-state, and deported cases.

- ✓ Since January 31, 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 49%, going from 798 to 404.

Sex Offender Management in New York State

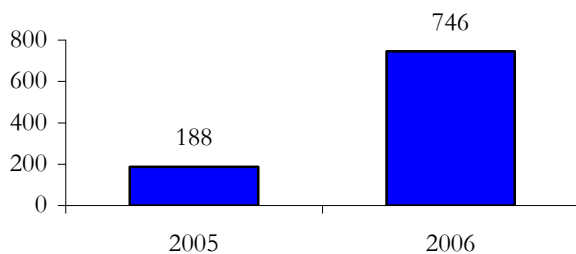
In August 2006, the partner agencies established additional protocols through the support of the Board of Parole to ensure that, whenever possible, no sex offender was released from DOCS to supervision without a risk level determined by the court. This ensures that community notification by law enforcement 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 compliance with the law.

- ✓ As a result of the additional protocols implemented in August 2006, 93% of sex offender registrants leaving State prison between September and December had a risk level in place on the day of release.

Reviewing Sex Offenders for Civil Commitment

In September 2005, DOCS and the Office of Mental Health (OMH) developed a plan to use existing civil confinement statutes to assess and identify sexually violent predators who should be confined in psychiatric hospitals upon their release from prison.

OMH Sex Offender Evaluations for Civil Commitment (annual)



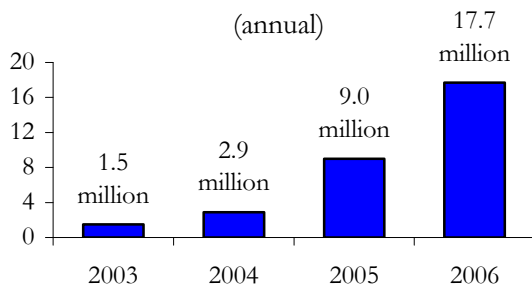
Note: 2005 data are 4 months only.

- ✓ During 2006, OMH evaluated 746 sex offenders for possible civil commitment, and recommended 105 for civil commitment, representing 14% of the offenders reviewed.

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 phone line which operates 24 hours per day. By law, information provided in the Subdirectory is limited to Level 2 and Level 3 sex offenders.

Sex Offender Subdirectory Searches (annual)



2002 data not available.

- ✓ Subdirectory searches on the public website have increased dramatically each year, with 17.7 million searches processed in 2006, 98% higher than 2005.

Sex Offender Management in New York State

Information on registrants is returned to the user searching the Subdirectory whenever there is a match between the information entered to search the Subdirectory on the public website (offender's last name, county, or zip code) and a record on the Subdirectory. As searches have increased, the percentage of searches that have resulted in matches has decreased.

Matches Returned from Subdirectory Searches (annual)

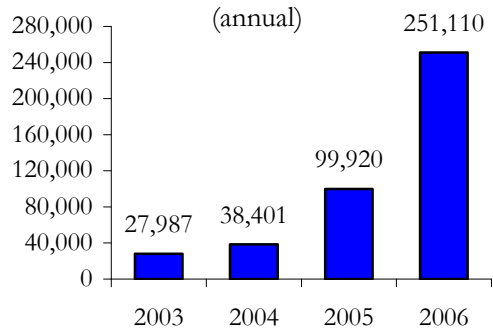
	2003	2004	2005	2006
Searches	1,497,384	2,871,769	8,960,642	17,693,058
Matched	606,205	1,188,406	2,118,999	2,819,203
% Matched	40%	41%	24%	16%

2002 data not available.

✓ Matches were returned on 16% of all searches conducted in 2006, as compared to 24% during 2005.

In addition to the information available in the Subdirectory on the public website, citizens, organizations and employers can call the toll-free line to inquire whether a specific person (or list of persons) is listed on the Registry. These phone inquiries require SOR staff to manually search the SOR database. Legislation enacted in 2005 requires children's camps to conduct searches on all prospective employees. This law has contributed to dramatic increases in the number of searches conducted in 2006.

800 Phone Line Searches Conducted by Staff



2002 data not available.

✓ The 251,110 searches conducted in 2006, are more than double the number conducted in 2005.

Matches Returned from Searches Conducted by Registry Staff for 800 Phone Calls (annual)

	2003	2004	2005	2006
Searches	27,987	38,401	99,920	251,110
Matched	837	912	1,882	2,178
% Matched	3.0%	2.5%	1.9%	1.0%

2002 data not available.

✓ Of the 251,110 searches conducted by the Registry in 2006, matches were found for 1% of the searches conducted.

Sex Offender Management in New York State

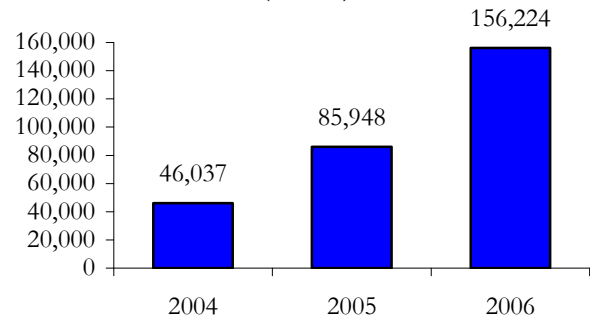
Managing Sex Offenders in the Community

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.

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 continued to increase significantly in 2006. In 2006, 156,224 Registry searches were conducted, an increase of 82% as compared to 2005.

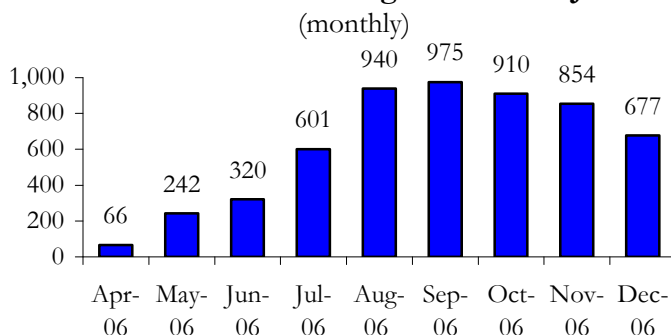
eJusticeNY Sex Offender Registry Searches
(annual)



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 date of registration. Offenders must report to their local police department to have the photos taken. Having updated photos as part of the Sex Offender Registry record helps ensure that sex offenders can be recognized both by law enforcement and by the public. A sex offender is subject to arrest for failure to provide a photo as required by law.

Sex Offender Photos Submitted by Law Enforcement Agencies to DCJS



- ✓ Between April and December 2006, 5,585 photos were submitted to DCJS by law enforcement. Of these, 79% were mailed and 21% were submitted electronically.

- ✓ Beginning in November 2006, a report was made available over eJusticeNY to assist law enforcement with monitoring compliance of offenders who are delinquent.

Sex Offender Management in New York State

Training

DCJS provides training on the Sex Offender Registration Act and on the usage of eJusticeNY, through which the complete Sex Offender Registry is accessed.

- √ During 2006, staff from DCJS Counsel's Office and SOR have conducted or participated in 15 training sessions on the requirements of the Sex Offender Registration Act. More than 1,300 prosecutors, law enforcement officers, court clerks, and judges were trained.
- √ Between January and December 2006, a total of 1,546 law enforcement professionals were trained in the use of eJusticeNY, with special emphasis on how to use the complete Sex Offender Registry.
- √ During 2005, DCJS, DOCS, Parole, and DPCA delivered a comprehensive training program for police and supervising agencies on managing sex offenders in the community, training nearly 900 State and local law enforcement personnel from 269 different agencies. During 2006, a DVD of this training session was offered free of charge to all law enforcement through a special mailing. Since May 2006, over 275 agencies have requested and received the DVD.

Supervising Sex Offenders in the Community

Sex offenders on parole and probation are supervised closely and receive regular home and community-based visits from parole and probation officers to reduce public risk and improve compliance with Registry requirements. Parole and probation officers impose special conditions on offenders, mandating treatment, imposing curfews and, where appropriate, requiring electronic monitoring of offenders. County probation departments supervise about 4,000 sex offender registrants and Parole supervises approximately 1,500 active cases. While only 23% of registrants are under some type of community supervision, most were under supervision when they were initially registered. Time spent under parole or probation supervision reduces opportunities for recidivism, provides a formal structure for offenders to become familiar with Registry requirements, and facilitates access to community-based programs and treatment services.

In 2003, Parole and county probation agencies added a new step to the supervision and home visit protocols for sex offenders. In addition to assessing compliance with conditions of supervision, officers also check that the address last reported to the DCJS Sex Offender Registry by the offender is actually where the offender resides, and direct the offender to submit a Change of Address Form if needed. Addresses reported to the Registry also are checked against parole and probation offender address records and are always verified by a home visit.

Sex Offender Management in New York State

Parole Sex Offender Address Verification Results 2006

Results	1st Qtr	%	2nd Qtr	%	3rd Qtr	%	4th Qtr	%
Residing at Registry Address	1,142	84%	1,451	88%	1,300	85%	1,292	87%
Not Residing at Registry Address: Change of Address/Status Change Submitted	215	16%	165	10%	190	12%	154	10%
Warrant Issued	7	1%	29	2%	41	3%	45	3%
Total Cases Verified	1,364	100%	1,645	100%	1,531	100%	1,491	100%

Note: How *Warrants Issued* are counted was modified beginning in the 2nd Quarter.

- √ Parole officers conducted four quarterly verifications of sex offenders in 2006. Overall, during 2006, officers reported that 86% of sex offenders were at the address on file with the Registry. An additional 12% were residing in a location known to their supervising officers and a change of address was reported to the Registry. Warrants were issued for 122 parolees as a result of the verification, representing 2% of verifications conducted.

Probation Sex Offender Address Verification Results 2006

Results	1st Qtr	%	2nd Qtr	%	3rd Qtr	%	4th Qtr	%
Residing at Registry Address	3,084	87%	3,157	86%	3,371	87%	3,421	86%
Not Residing at Registry Address: Change of Address/Status Change Submitted	192	5%	245	7%	218	6%	258	7%
Warrant Requested/Issued*	252	7%	273	7%	274	7%	290	7%
Total Cases Verified	3,528	100%	3,675	100%	3,863	100%	3,969	100%

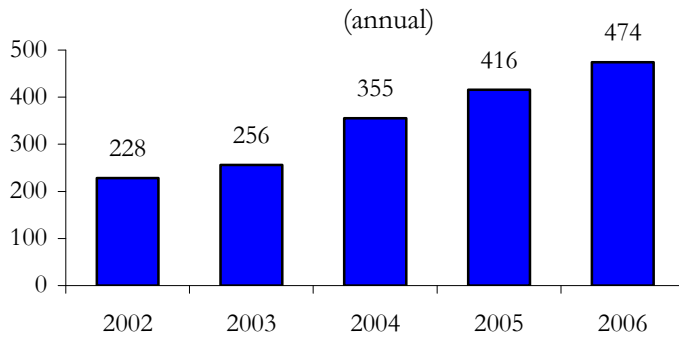
Note: *Warrants Requested/Issued* include previously existing warrants and warrants requested/issued during the reporting quarter.

- √ Probation officers conducted four quarterly verifications of sex offenders during 2006. Overall, during 2006, officers reported that 87% of sex offenders were at the address on file with the Registry. An additional 6% were residing in a location known to their supervising officers and a change of address was reported to the Registry.

Sex Offender Management in New York State

When a sex offender fails to comply with Registry requirements, the offender is subject to arrest for failing to register or verify. A first conviction is punishable as a class A misdemeanor; a repeat conviction is punishable as 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 for sex offender registrants under Parole supervision.

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



√ During 2006, a total of 474 convictions were reported, up 14% as compared to 2005.