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**STATE DIRECTOR'S MEMORANDUM # 2013-2**

**TO: All Probation Directors/Commissioners**

**FROM: Robert M. Maccarone, Deputy Commissioner and *R.M.M.*  
Director, Office of Probation and Correctional Alternatives**

**DATE: January 28, 2013**

**SUBJECT: Probation Guidance for Sex Offenders Discharged from Supervision**

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As you know, the New York State Sexual Assault Reform Act of 2000, effective February 1, 2001, enhanced the sentencing provisions and probation terms for sex offenders. For individuals convicted of felony sexual assault, the period of probation supervision increased to ten years; for Class A misdemeanor sexual assault convictions, probation increased to six-years. As probation departments begin to experience offenders reaching their maximum expiration dates for these extended terms, it is incumbent on us to plan for the termination of probation supervision and its potential affect on victims and community safety.

During the fall of 2012, OPCA convened two regional focus groups with probation departments and treatment professionals. Consistent with the literature and best practices, the primary goal of the focus groups was to discuss the termination of probation supervision for this class of probationers and identify the "collaborative networks" that surround the probationer, and recommend strategies for discharge that will enhance community safety. It is widely believed that information-sharing and disclosure, where permitted, are key elements in sex offender management--informing the agencies and providers that form the collaborative network, including law enforcement, treatment providers, and employers, that the offender is completing probation supervision.

This document highlights the recommendations resulting from the focus groups which address this very important issue:

- Advise law enforcement that an offender will no longer be under probation supervision. It is recommended that probation departments develop an information sheet that can be disseminated to area law enforcement agencies. The information provided may include the offender's name, address, an updated photo, SOR level, conviction, type of discharge (Maximum Expiration Date,

revocation, Early Discharge), victim category (minor, adult, disabled etc.), and any other pertinent information that departments feel necessary to include. At a minimum, the law enforcement agency that has jurisdiction over the individual's residence should be notified, but it is recommended that surrounding and overlapping law enforcement agencies be alerted also.

- Provide a written reminder to the offender regarding their SOR requirements, even though they will no longer be under supervision following discharge from probation. Probation departments provide this information to the offender while they are being supervised. However it is recommended that departments provide it to the offender again upon discharge. For guidance on what information department's can or should provide offenders, please visit <http://www.qa:84/nsor/faq.htm> for a complete set of guidelines.
- Provide probation discharge information to the sex offender treatment provider when the offender is engaged in treatment. Although the offender may not have had recent contact with the treatment provider, treatment can serve as a valuable resource in helping the offender maintain their pro-social network, as well as assist the offender with linking to other important resources in their community. The sex offender treatment provider may also develop in collaboration with the offender, a safety plan, which prepares the offender to identify, react appropriately, and report, when a potentially dangerous situations arises.
- Communicate with the offender's employer that the offender will no longer be under supervision. If the offender has found employment, it is assumed the employer knows of the offender's sexual offending and the employment was approved by the supervision officer. Employers may depend on probation supervision and officers to help the offender continue to retain employment. They also may depend on the officer to clarify certain rules and/or laws which may prohibit the offender from holding certain positions or completing certain work tasks. It is important to alert the employer that the offender will no longer be under supervision, but that SOR requirements may continue.
- When possible, alert the offender's victim(s) that the offender is no longer under supervision. Victim information is routinely gathered in conducting the Pre Sentence Investigation and an inquiry is made whether the victim would like to be alerted when the offender is no longer being supervised by probation. Probation departments are strongly encouraged to work with victim advocate agencies in their county to coordinate notifications where appropriate. Additionally, probation departments are reminded of the NY-Alert Program that is able to provide notification to any person who registers for alerts when a SOR level 2 or 3 sex offender(s), who is listed on the DCJS website moves into or out of a community or location of interest. The link to this information is <http://www.criminaljustice.ny.gov/nsor/nyalert.htm>.

I want to thank the probation directors, officers and their departments who participated in the focus groups for their professionalism and commitment to keeping our communities safe.

The focus groups were conducted via Live Meeting and may be viewed by visiting the following link:

[https://www.livemeeting.com/cc/dcjs/join?id=Dec\\_13&role=attend&pw=Attendee\\_121312](https://www.livemeeting.com/cc/dcjs/join?id=Dec_13&role=attend&pw=Attendee_121312). Upon logging onto the Live Meeting site, please click on the —handouts icon found at the top right of the page (pictured below). You will find a Windows Media Video file 3 (wmv) recording of the focus group, as well as a pdf of the Powerpoint presentation available for download. When visiting the Live Meeting site, you may download handouts by clicking on the Handouts icon.

