



**Division of Criminal
Justice Services**

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www.criminaljustice.ny.gov

Sex Offender Registry

2018 Annual Report

**New York State Sex Offender Registry and Registry Telephone Number
2018 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 2018 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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Sex Offender Registry Overview

The New York State Division of Criminal Justice Services 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 requiring all 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;
- Verifying all residence addresses reported by offenders with the U.S. Postal Service prior to updating the Registry;
- Notifying police departments and sheriffs' offices whenever registered offenders move to, or from, their area of jurisdiction;
- 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.

2018 Activities

At the end of 2018, a total of 41,175 sex offenders were registered in New York State. The law provides for a risk level of re-offense — 1, 2 or 3 — to be assigned to each offender; risk level is set by a judge after a court hearing. Of those offenders:

- 14,786 were Level 1: low risk
- 15,273 were Level 2: medium risk
- 10,280 were Level 3: high risk
- 836 offenders had not yet had their risk levels set by a judge.

Under the law, risk level determines the type of information available to the public about an offender and the way in which that information is provided:

- Information about all registered sex offenders, regardless of risk level, is available through a toll-free number (800-262-3257), as long as callers have an offender's name and another identifier, such as his or her date of birth.
- Information about Level 2 and 3 offenders also is available on the DCJS [website](#).

The [Sex Offender Registration Act \(SORA\)](#) details the information that offenders are required to provide to the Registry, including residence address, photographs and vehicle information.

In 2018, Registry staff:

- Screened 402,322 names of potential drivers for the ride-sharing companies Uber and Lyft, resulting in those companies being notified of 477 matches to registered sex offenders. Uber and Lyft have operated statewide since June 2017; this screening of potential drivers is required by law.
- Processed 28,370 annual address verifications from registered offenders and another 41,722 changes to Registry information.
- Removed 542 offenders from the Registry upon completion of their 20-year registration requirement. The law requires Level 1 sex offenders to register for two decades. Staff also notified the original arresting agency, the county District Attorney's Office that prosecuted the case, and the police agency with jurisdiction over the individual's most recent address upon each removal.
- Removed 338 deceased offenders from the Registry after receiving proper documentation, such as a death certificate, police report, funeral home-affiliated obituary or Social Security death index.
- Provided social media accounts, email addresses and internet service providers reported by registered sex offenders to 38 social networking platforms on a weekly basis. The state's Electronic Security and Targeting of Online Predators Act (eSTOP) allows the Registry to provide that information, upon request, to companies that have users younger than 18. These businesses 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. There is no statutory requirement for businesses to notify the Registry of any action they have taken.
- Hosted four information sessions attended by approximately 40 police officers with varying levels of experience with the law so those officers — from different agencies — can learn from each other and Registry staff about offender requirements and state law.

2018 Enhancements

Registry staff worked in partnership with the state's Office of Information Technology Services to implement receipt and processing of electronically signed and submitted address changes from the New York City Police Department's Sex Offender Monitoring Unit. The unit manages 20 percent of the state's registered offenders. In addition, the Registry also receives 48-hour notices from county Probation Departments and the state Department of Corrections and Community Supervision electronically. Those agencies are required to notify the Registry within 48 hours after they are notified that an offender under their supervision has moved.

DCJS also hired a vendor to digitize all existing paper Registry records and develop an electronic document repository. The scanning of historical Registry files began in August 2018, and the Registry document repository was completed December 2018. All electronic submissions from the New York City Police Department and local probation offices, as well as the historical records scanned by the vendor, are catalogued and stored in this repository.

Operation of the Toll-Free Number

In addition to posting information about certain offenders online, state law 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 2018, individuals, representatives from nonprofit and other organizations and employers made 36,985 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 Sex Offender Registry.

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

Children's camp operators are required by law to conduct searches on all prospective employees and volunteers. The Registry accepts electronic files from children's camp operators and other businesses or organizations when a search request includes 30 or more names. In 2018, Registry staff received 3,183 electronic submissions, which resulted in Registry staff searching nearly 2.5 million names against the Registry.

Total calls to the Sex Offender Registry	42,588
Toll-free telephone number	36,985
Law enforcement telephone number	1,538
Main telephone number	4,065

Toll-free Telephone Number Report <i>(as required by Correction Law §168-p(4))</i>	
Inquiries Received	36,985
Total Number of Names Searched	134,512
Phone Affirmative Responses/Matches to Registered Offenders	589
Phone Negative Responses/No Match to a Registered Offender	133,923
Average Length of Call	2½ minutes
Total Number of Minutes	85,065
Cost Per Minute	.045
Total Cost	\$3,827.93
Total Number of Offenders on the Registry <i>(Dec. 31, 2018)</i>	41,175

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 (Wetterling), the law recognizes concerns unique to New York State, detailing 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:

- The law permits, but does not require, police departments and sheriffs’ offices with jurisdiction over the municipalities where offenders reside to release information about those offenders to entities with vulnerable populations (as defined in the law).
 - Under SORA, 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. 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: 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 9 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 hardcopy 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 to:

- *Provide Notification to Law Enforcement Agencies:* The Registry notifies police departments and sheriffs' offices whenever an offender moves into — or out of — their jurisdiction. In addition, 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 that 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:* Callers must provide their name, address and telephone number and must provide the first and last name of an individual and one of the following identifiers: an exact address, date of birth, Social Security number or driver's license number.
 - If an individual is listed, staff will advise the caller that it appears 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, modus 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 SORA, frequently asked questions about the law 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.

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 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 by a judge, after a hearing in court. The Board of Examiners of Sex Offenders, consisting of five members appointed by the Governor, 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.

Federal Court Injunction

The Sex Offender Registration Act took effect on Jan. 21, 1996, and was applied to all individuals who were convicted of qualifying offenses and who had not completed serving their sentence on the effective date. That retroactive application of the law and the original process it outlined for determining risk level were challenged in court.

That litigation resulted in a federal court injunction which prohibits release of information to the community about certain offenders until a risk level hearing has occurred in court and a risk level set by a judge. These individuals committed their crimes prior to Jan. 21, 1996, and their risk level was assigned prior to Jan. 1, 2000, by the former state Division of Parole, or the former state Division of Probation and Correctional Alternatives. This injunction affects approximately 60 registered offenders, who are 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 (NSOR), 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.