



**Division of Criminal
Justice Services**

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www.criminaljustice.ny.gov

Sex Offender Registry

2019 Annual Report

**New York State Sex Offender Registry and Registry Telephone Number
2019 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 2019 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 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;
- 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.

2019 Activities

At the end of 2019, a total of 41,892 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 the 41,892 registered sex offenders at the end of 2018:

- 14,814 were Level 1: low risk
- 15,674 were Level 2: medium risk
- 10,488 were Level 3: high risk

Another 916 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 manner 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 a name and another identifier, such as 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 2019, Registry staff:

- Screened 137,997 names of potential drivers for the ride-sharing companies Uber and Lyft, resulting in those companies being notified of 175 matches to the registered sex offenders. Uber and Lyft have operated statewide since June 2017; this screening of potential drivers is required by law.
- Processed 29,389 annual address verifications from registered offenders and another 43,867 changes to Registry information.
- Removed 544 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 339 offenders who died 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.

2019 Enhancements

Registry staff worked in partnership with the state's Office of Information Technology Services and a vendor to digitize all existing paper Registry records and develop an electronic document repository. The scanning of historical Registry files was completed in November 2019. The process took 15 months and resulted in the scanning of approximately 4.5 million different documents.

The New York City Police Department and all local probation departments submit documents to the Registry electronically and work has begun on a project that will allow the Registry to accept and process new offender registrations submitted electronically by the state Department of Corrections and Community Supervision, which oversees the state's prison system. This project is expected to be completed by December 2020.

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 2019, individuals, representatives from nonprofit and other organizations and employers made 39,577 calls to the toll-free number, which 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 when a search request includes 30 or more names.

In addition to increasing efficiency, accepting electronic files has contributed to a significant increase in the number of searches conducted by staff. In 2019, the Registry handled 3,497 electronic submissions, which required staff to search 2,833,480 names; that compares to 3,123 electronic submissions in 2018, which required a search 1,475,641 names.

Total calls to the Sex Offender Registry	45,531
Toll-free telephone number	39,577
Law enforcement telephone number	1,858
Main telephone number	4,096

Toll-free (800) Telephone Number Report <i>(as required by Correction Law §168-p(4))</i>	
Searches Requested by Phone Call	39,577
Searches Submitted Electronically	3,497
Searches Completed Electronically	2,833,480
Searches Completed <i>(total of calls and electronic submissions)</i>	2,873,057
Phone Affirmative Responses/Matches to Registered Offenders	797
Phone Negative Responses/No Match to a Registered Offender	143,009
Average Length of Call	2.30
Total Number of Minutes	91,027.1
Cost Per Minute	.045
Total Cost	\$4,096.22
Number of Offenders on the Registry <i>(as of Dec. 31, 2019)</i>	41,892

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:

- 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 SORA.
 - 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. 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: 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 8 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 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](#).
- 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, SORA 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 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 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. SORA 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 SORA, 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 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 was 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.