



NEW YORK STATE SENATOR

Jeffrey D. Klein

## Sex Offenders In The System

JEFFREY D. KLEIN June 15, 2008



NEW YORK- Standing outside of the Regent Family Residence on upper Broadway, Senator Jeff Klein (D-Bronx/Westchester) released the shocking results of an analysis of sex offenders residing in the NYC Family Shelter System: "Sex Offenders in the System: A Survey of the NYC Family Shelter System".

The report revealed that there are 6 level 2-3 sexual offenders who have recently, or are currently residing side by side along young children in family shelters in Manhattan, Brooklyn, and the Bronx. In fact, one offender had a conviction date as early as May 11, 2005.

Klein's report is based on the Division of Criminal Justice Services' online database which lists the addresses of level 2-3 sex offenders who are required to register under Megan's Law.

"The fact that there is even one convicted sex offender residing in the NYC family shelter system is unacceptable. New York State has taken extensive precautions to protect the public from convicted sex offenders by finally enacting a civil confinement law after years of strife, yet it leaves our homeless children completely vulnerable to the advances of known criminals," said Senator Klein.

Each family shelter has a different operating procedure regarding the confidentiality of their residents, but at least three offenders were confirmed to actually have been living or still residing in the shelters as of 8/20/07.

Under Megan's Law sex offenders are required to annually verify their address on or about the anniversary of the original registration date, by signing an annual verification form and mailing it back to DCJS within 10 days. A level 3 sex offender or a sexual predator, in addition to signing an annual verification form, is required to personally verify his or her address every 90 days with the local law enforcement agency having jurisdiction over the sex offender's residence.

Most NYC family shelters receive their referrals through the Department of Homeless Services (DHS). Others may receive referrals through DHS as well as Housing Preservation Development (HPD). In order for a family to be found eligible for placement, the DHS investigates whether there is a need for immediate temporary shelter or if there is another safe place to stay.

However, PATH (Prevention Assistance and Temporary Housing Office), which serves as the

intake office for DHS is not required to perform a criminal background check. In addition, there is no requirement for the individual shelters to check the sex offender registry when a new family or adult couple is admitted to the actual shelter. Yet, under federal law, public housing authorities must deny admission to registered level 2-3 sex offenders.

Furthermore, there is a broad definition of “family” which can result in the placement of sex offenders in family shelters. DHS defines a family as legally married couples, pregnant women, and unmarried couples, with or without children, who have cohabited for a substantial period of time and demonstrate the need to be sheltered together. On February 1, 2007 DHS implemented further guidelines defining an “adult couple” eligible for the purpose of family housing.

On February 2, 2007 Senator Klein introduced an act to amend the correction law, in relation to subdirectory of level two and three sex offenders. Referred to as the SORA e-mail notification, this act would have allowed any resident of the state to register with the Department of Criminal Justice to receive e-mail notification when a sex offender has been entered, or his or her information updated, in the subdirectory of sex offenders in a geographic area specified by the resident on the registration form. The department would furnish the service at no charge to the resident and the e-mail update may be for specific counties or zip codes.

If in place, this act would allow all family shelters to simply fill out one registration form with their pertinent information, and anytime a sex offender registered their shelter as his or her current residence, the shelter would be immediately notified. This would allow HPD, DHS and the family shelter to provide alternative housing for the resident such as a single male or female homeless residence.

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