



NEW YORK STATE SENATOR

William T. Stachowski

Stachowski/Hoyt Propose Amendments to the Sexual Offender Management and Treatment Act

WILLIAM T. STACHOWSKI December 30, 2009

| ISSUE: **CORRECTIONAL**

| COMMITTEE: **COMMERCE, ECONOMIC DEVELOPMENT AND SMALL BUSINESS**

December 30, 2009

Stachowski/Hoyt Propose Amendments to the Sexual Offender Management and Treatment Act

New Law would prevent paroled 100 year old sex offender from slipping through the cracks

Senator Stachowski (58th District) and Assemblymember Hoyt (D-Buffalo) announced legislation that would amend the Sexual Offender Management and Treatment Act of 2007 (SOMTA). Their legislation will strengthen the existing law so that repeat sex offenders like Theodore Sypnier are not let loose to commit the same crimes again.

Senator Stachowski, who represents the area where Sypnier currently resides, said, "Mr. Sypnier's release into society clearly indicates that our civil confinement system needs to be fine tuned, at least when we consider the potential for a repeat offender to commit these horrendous acts time and again. This is a law and order issue as well a mental health issue, and I'm hopeful my colleagues in the Senate will share our sense off urgency on this matter."

Hoyt said, "Civil Confinement was enacted to protect the public from sex offenders who are unable to control their behaviors. In order for the law to work more effectively changes are necessary that call for a collaborative evaluation process with other state agencies and a closer examination of those sex offenders whose past behaviors indicate the presence of a mental abnormality and therefore are in need of supervision"

Sypnier is a three time convicted sexual offender who also violated his parole by refusing to attend counseling. He currently lives in Buffalo and is about to be released on parole again. The Office of Mental Health, which performed Sypnier's case evaluation, never referred him to the Attorney General's office for a civil management petition.

According to the Attorney General's "The Sex Offender Management and Treatment Act: The First Year," report 1,603 cases were referred by the Department of Corrections to the Office of Mental Health for evaluation for possible civil management. Of that, only 173 were ever evaluated by a psychiatrist at OMH's direction and only 139 of those were referred to the Attorney General's office for consideration of a civil management petition.

Under the current law, sex offenders referred by the Department of Corrections undergo a three step process administered by the Office of Mental Health. The first is a multi-disciplinary team review. This is a paper review that examines the criminal and supervisory history, presentencing reports and institutional history. Based on that review, the team may recommend that the case be examined by a three member case review team. The case review team may then recommend the offender be examined by a psychiatrist and then, if two of the three team members agree, the case is referred to the Attorney General's office with a recommendation to file a petition for civil management.

Stachowski's and Hoyt's proposed amendments would do the following:

- All repeat sex offenders are automatically referred to the three person case review team 120 days before their release
- The case review team will be comprised of representatives from three different agencies, the Office of Mental Health, the Department of Criminal Justice Services and the Office of the Attorney General. It will maintain the current standard of two of the three team members being psychiatric examiners
- The case review team will be administered under the Department of Criminal Justice Services because they are a disinterested state agency in regards to the civil management process and have purview in areas of criminal justice, public safety, release of prisoners and the management of sexual offenders

Joining Senator Stachowski and Assemblymember Hoyt in sponsoring these amendments were Assemblywoman Francine DelMonte and Assemblyman Mark Schroeder.

Assemblywoman DelMonte (D-Lewiston) said, "The Civil Confinement law was passed with the expectation and purpose of keeping dangerous sexual predators off our streets and away from our children. Over and over we have seen predators who are prime candidates for civil confinement be released back into our communities. I am hopeful that by amending the Sexual Offender Management and Treatment Act these dangerous individuals will remain civilly confined and out of the communities where our children live, play and go to school."

Assemblyman Schroeder said, "Obviously the system needs to be improved if there is even a possibility that dangerous predators like Theodore Sypnier can be released into society, I am confident that these amendments will put in place measures to prevent repeat offenders from slipping through the cracks and endangering children again."