



NEW YORK STATE SENATOR

Jeffrey D. Klein

State Senate Coalition releases disturbing report on dangerous sex offenders living near Pre-Kindergarten and Kindergarten programs in Westchester and Rockland Counties

JEFFREY D. KLEIN February 27, 2015

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State Senate Coalition urges Assembly to pass companion legislation to key Senate bills that strengthen protections for children against sex offenders

Albany, NY – The New York State Senate Coalition today unveiled a new alarming joint-investigative report, “*Keeping Our Children Safe From Sex Offenders, Special Report: Westchester & Rockland Counties*,” conducted by the offices of **State Senate Coalition Co-Leader Jeff Klein (D-Bronx/Westchester)** and **State Senate Majority Leader Dean G. Skelos (R-Nassau)**, which uncovered sex offenders living dangerously close to preschools in Westchester and Rockland.

The second investigation comes a day after the State Senate passed nine key sex offender bills — including a measure to close the loophole allowing dangerous sex offenders to reside near preschools and legislation granting localities the right to toughen residency restrictions for sexual predators.

These bills all await passage by the New York State Assembly.

“As the author of Megan's Law, I recognize that we must continue to take whatever steps are necessary to protect our children from dangerous sexual predators. I thank Senators Murphy and Larkin, and the members of the Independent Democratic Conference, for their ongoing commitment to common-sense measures that keep kids safe. I urge our Assembly colleagues to join us in swiftly enacting the nine bills we approved in the State Senate this week,” **Senate Majority Leader Skelos said.**

After releasing a February 22 report that examined sexual predators residing perilously close to New York City pre-kindergarten programs, the State Senate Coalition, in collaboration with **State Senators David Carlucci (D-Westchester/Rockland), Terrence Murphy (R-Yorktown)** and **Bill Larkin (R-Cornwall-on-Hudson)** — found that some sex offenders in Westchester and Rockland also live near stand-alone preschools because of the existing loophole in the law.

In Westchester and Rockland, six convicted sex offenders outright violate state law by living within 1,000 feet of grade schools with Pre-K programs. Seven sex offenders skirt the law in Westchester and reside within 1,000 feet of stand-alone Pre-K programs not attached to grade schools—currently unprotected by state law.

“The State Senate acted swiftly to close this dangerous loophole allowing sex offenders to reside near our youngest children. Unfortunately, we continue to discover that dangerous predators live far too close to preschools. In Westchester seven sex offenders reside near stand-alone preschool programs. Another six sex offenders in Westchester and Rockland blatantly violate the law by living near elementary schools with preschools attached. I urge the Assembly to follow the lead of the Senate and act on this legislation immediately,” **said Senator Klein.**

“As a new father, it’s unsettling to know that current law leaves our youngest children unprotected from some of the most violent and perverse criminals. In this shocking report,

we reveal there are thirteen level three sex offenders living in Westchester and Rockland within a thousand feet of pre-kindergarten facilities. Unfortunately within eight years of their release, level three sex offenders were rearrested almost fifty percent of the time. Our children are our most precious asset and we need to do everything we can to keep them safe. We must close this loophole immediately,” **said Senator Carlucci**, who co-sponsored Klein’s legislation to clarify the law.

“This investigative report demonstrates what community advocates in Westchester have been saying since 2006, that we must do more to keep our children safe. Having even one sexual predator with a chance of recidivism near a preschool is not a risk we should take, and thus I am proud to support the efforts of Senator Klein and Leader Skelos to close this loophole,” **said Senator Terrence Murphy (R-Yorktown)**.

“According to the New York State Department of Criminal Justice Services (DCJS) sex offenders with a previous sex offense conviction have a 37% re-offense rate. This legislation was an important step in keeping our children safe from sex offenders and will support local municipalities, school districts, community groups and law enforcement agencies in their efforts to combat these predators,” **said Senator Bill Larkin (R-Cornwall-on-Hudson)**.

DOCCS fails to recognize a stand-alone pre-kindergarten or kindergarten as a school because of the word’s vague definition in the statute. The Office of State Senator Klein discovered the loophole last year when a Level 3 sex offender moved close to the Carrig Montessori School, which only contains a Pre-K and Kindergarten.

While Senator Klein’s bill to correct the definition of a school passed last year, it died in committee in the Assembly. It passed again on Thursday, February 26 and awaits passage by the Assembly.

Sex Offenders Residing Within 1,000 ft. of a Community UPK Program

| | | | | |
|----------------------|---|--|---|------------|
| Michael Smith | 236 South Fifth Avenue, 3Unknown Apt. 3, Mt. Vernon, NY 10550 | | WESTCOP Toddler's Park Head Start/Day Care 260 South Fourth Avenue, Mt. Vernon, NY 10550 | 950 ft. |
| David Tyree | 321 South Third Avenue, 341 Apt. 103 Mt. Vernon, NY, 10550 | | WESTCOP Toddler's Park Head Start/Day Care 260 South Fourth Avenue, Mt. Vernon, NY 10550 | 792 ft. |

Sex Offenders Residing Within 1,000 ft. of a UPK Program Affiliated with an Elementary School

Westchester County

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|--------------------|---|--|---|------------|
| Archie | 6 Highland Place Yonkers, 364 NY 10705 | | Cedar Place School, 20 Cedar Place, Yonkers, NY 10705 | 792 ft. |
| Horatio Joss | 7 Highland Ave Apt 6H 32 Yonkers, NY 10705 | | Cedar Place School, 20 Cedar Place, Yonkers, NY 10705 | 581 ft. |
| Michael Winchester | 121 Ludlow St. Apt 3E 351,15 Yonkers, NY 10705 | | St. Peter School 204 Hawthorne Avenue Yonkers, NY 10705 | 845 ft. |

| | | | | |
|----------------|---|---------|-----------------------------|-----|
| Carl Tennyson | 360 Franklin Ave., 2 nd Floor, 3 | Unknown | Edward Williams Elementary | 634 |
| | Mt. Vernon, NY 10553 | | 9 Union Lane, | ft. |
| | | | Mt. Vernon, NY 10553 | |
| Miguel Benitez | 137 North Fifth Avenue, 23 | 39 | Our Lady of Victory Private | 844 |
| | Mt. Vernon, NY | | School | ft. |
| | 10550 | | 38 North Fifth Avenue | |
| | | | Mt. Vernon, NY | |
| | | | 10550 | |

Rockland County

| | | | | |
|--------|------------------------------|-----|------------------------------------|-----|
| Fritz | 8 John St. Spring Valley, NY | 316 | Yeshiva Darkei Emunah | 950 |
| Lemite | 10977 | | 49 South Main St Spring Valley, NY | ft. |
| | | | 10977 | |

The State Senate passed the following nine bills on Thursday and urges the Assembly to act:

- Allowing localities to fortify sex offender restrictions in ways that are no less restrictive than state laws (Senator Michael Venditto)
- Requiring school districts to distribute information about a sex offender's residence upon notification from law enforcement (Senator Kenneth LaValle)
- Closing the loophole on the legal definition of a school to include Pre-K and Kindergarten (Senator Klein)

- Holding risk assessment hearings before a sexual predator is released into a community (Senator Tony Avella)
- Banning Level 1, 2 and 3 sex offenders from residing within 1,000 feet of a building used exclusively as an elementary or high school (Senator Martin Golden)
- Banning registered sex offenders from residing within 1,500 feet of their victims (Senator Terrence Murphy)
- Clarifying the definition of “residence” in SORA (Senator Robert Ortt)
- Additional disclosure of workplace information if a sex offender is working in the community where he or she resides (Senator Andrew Lanza)
- An expansion of the definition of an institution for the care and treatment of children under age 18 to clearly include day care centers (Senator James Seward)

In January, the New York State Senate Coalition passed legislation to protect children from sex offenders, which are also awaiting passage by the New York State Assembly. The legislation includes:

- Prohibiting Level 2 and 3 sex offenders from residing in family homeless shelters (Senator Klein)
- Criminalizing housing or employing a sex offender who failed to register or verify employment (Senator Michael Ranzenhofer)
- Prohibiting certain sex offenders from being granted custody or unsupervised visitation with a child (Senator John Flanagan)
- Requiring sex offenders to report multiple or part-time residences (Senator John Bonacic)
- Requiring the Office for People with Developmental Disabilities to contact local officials when a sex offender is placed in a community residence within their municipality (Senator Patrick Gallivan)

- Prohibiting sex offenders from living in student housing (Senator Joseph Robach)
- Creating a sex offender public awareness program (Senator Joseph Robach)