

NOWHERE TO GO

**New York's Housing Policy for Individuals
on the Sex Offender Registry and
Recommendations For Change**

Over the last 30 years, New York and other states have enacted thousands of laws imposing ever-increasing restrictions on those convicted of sex-related offenses. However, a number of groups devoted to preventing such crimes have begun to doubt the effectiveness of these laws, with some suggesting that the laws may even be detrimental to public safety.

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INTRODUCTION

The undersigned organizations and individuals believe that urgent action is necessary to improve the housing prospects of individuals on New York's sex offender registry and to provide them a fair opportunity for safe and successful community reentry. Hastily-enacted, ill-considered legislation has not served its intended purpose of improving public safety and preventing further crime. Instead, it has led to a crisis of homelessness, and in the process may actually have reduced public safety. We recommend that this crisis be addressed by:

- Eliminating or modifying the 1000-foot residency restriction imposed on persons subject to the New York State Sexual Assault Reform Act (SARA);
- Narrowing the group of individuals who are subjected to this and other SARA restrictions; and
- Providing incentives at the City and State levels to housing developers and providers who agree to house and serve people with sex-related convictions.

BACKGROUND

Over the last 30 years, New York and other states have enacted thousands of laws imposing ever-increasing restrictions on those convicted of sex-related offenses. However, a number of groups devoted to preventing such crimes have begun to doubt the effectiveness of these laws, with some suggesting that the laws may even be detrimental to public safety. These concerns have come from law

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enforcement representatives, from researchers, and even from victim advocates, including one of the pioneers in the movement to protect child victims, Patty Wetterling. In fact, as a result of these concerns, California, the state with the largest sex offender registry, recently scaled back its registration mandates.¹

Connecticut is also considering reforming state laws regarding the monitoring of those convicted of sex-related offenses.² In 2015, the state's General Assembly asked the Connecticut Sentencing Commission to examine the state's "system of assessment, management, treatment, and sentencing of sex offenders." The Commission studied the issue for two years before issuing a detailed report.

In 2018, state legislators introduced a bill in the House of Representatives to enact the Commission's recommendations. The proposal would have significantly reduced the numbers of individuals listed on the state's public registry.⁴ This legislation did not advance during the last legislative session.

A complex web of laws and requirements impacts every aspect of life for those convicted of sex-related offenses, and determining whether all have met their intended purpose would be an involved undertaking. As housing advocates, we limit our focus to those restrictions impacting where New Yorkers with sex-related convictions can live. We focus on two types of laws, both from New York and from other jurisdictions: those which create public registries of individuals convicted of sex-related offenses, and those which restrict where registrants can live. The laws relate to each other, as explained below. At the conclusion of our discussion, which references studies and data from New York and from other jurisdictions which have seen problems similar to those in New York, we recommend policies that will better protect public safety than those currently in effect.

REGISTRATION LAWS

The Sex Offender Registration Act (SORA) was originally enacted in 1995 and retroactively applies to any person who, on the law's effective date, was still serving a sentence or was under parole supervision for a sex-related offense. Persons are classified as Level 1, "low risk," Level 2, "moderate risk," or Level 3, "high risk," primarily based on a Risk Assessment Instrument (RAI), which was developed almost 30 years ago and has never been scientifically validated

or updated to reflect more recent academic studies. All persons registered under SORA ("registrants") are subject to intensive levels of law enforcement supervision.

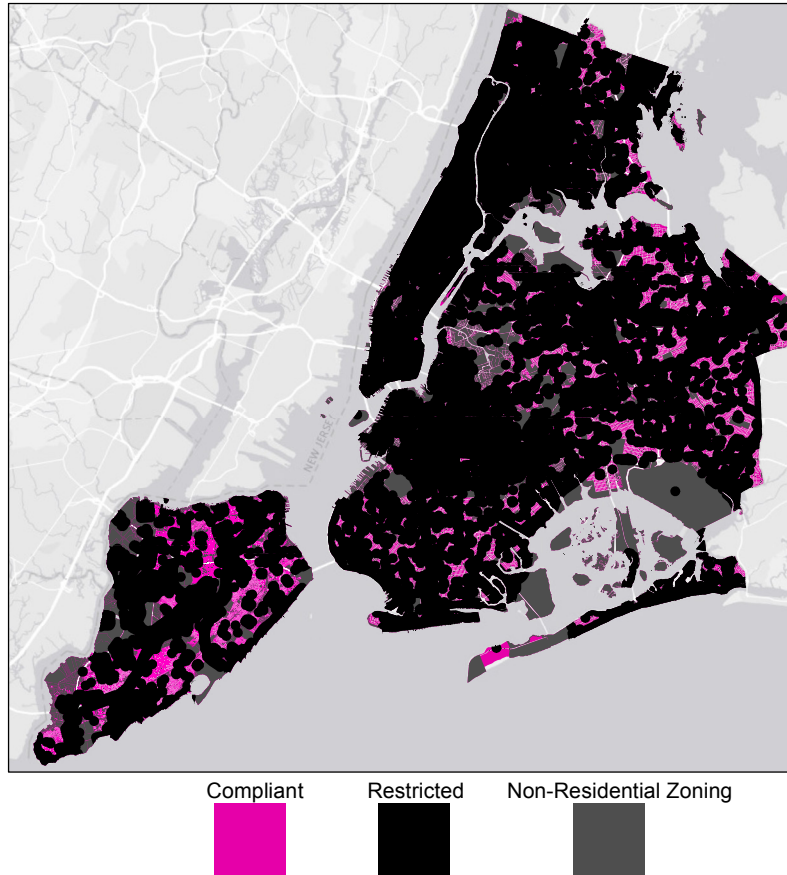
For example, they are required to:

- Report annually where they live by signing and returning a verification form to the New York State Division of Criminal Justice Services (DCJS) within 10 days of receiving it;
- Notify DCJS in writing of a new address no later than 10 days after moving;
- Report in person to a local police agency to have a current photograph taken every three years (Level 1 and 2 registrants) or every year (Level 3 registrants);
- Notify DCJS in writing of any institution of higher education they are attending or are employed by; and
- Inform the authorities of their internet service providers, internet screen names and e-mail accounts (assuming they are allowed to access the internet at all - many persons who are on the registry and are under parole supervision are not allowed access to the internet).

Additionally, Level 2 and Level 3 registrants are identified in a readily accessible official public database; even Level 1 registrants can be identified in privately-operated databases accessible on the internet. Level 3 registrants must personally verify their addresses every 90 days with local law enforcement.

Housing Options Available Under Current SARA Regulations

Current regulations (1,000 feet from schools, daycare centers, and parks)



Data Source: NYC Open Data, 2016

RESIDENCY RESTRICTIONS

A combination of federal and state laws have made access to safe, affordable, convenient housing in New York State all but impossible for the majority of individuals convicted of sex offenses.

New York adopted the Sexual Assault Reform Act (SARA) in 2001 and amended it in 2006. The law provides that registrants on probation or under parole supervision⁵ may not “enter within 1000 feet” of “the real property boundary line” of “school grounds” as defined by a provision of the Penal Law.

This draconian restriction applies to: a) all registrants whose victim was less than 18 years old at the time of the offense, even those designated “low risk” under SORA; and b) all registrants designated Level 3 under SORA, even if the victim was an adult, and even if the individual completed the sentence for the sex offense years ago and is now under parole supervision for an unrelated offense. Parole officials, recognizing that the literal language of the statute is unenforceable, apply the SARA Law as a residency restriction, using a proprietary computer algorithm to determine whether a particular address is or is not far enough away from “school grounds.”

Even if they have family willing to take them in, individuals subject to SARA restrictions cannot live with them if their homes are located within 1,000 feet of a school. The result is that many individuals are rendered homeless. Indeed, in New York City, where most residential property, especially affordable rental property, is within 1000 feet of a school, the law effectively bars this subset of individuals from living in nearly all of Manhattan and the Bronx, as well as most of Brooklyn and Queens.

In 2015, the New York City Department of Homeless Services estimated that 550 individuals on the sex offender registry were housed in the shelter system.⁶ But SARA restrictions impede even these arrangements. Because most New York City homeless shelters are located within 1,000 feet of schools, individuals subject to SARA restrictions cannot live in them. They are relegated to shelters on the far reaches of the City where health care, employment and other essential services are slim to nonexistent. Many choose the streets.

Just as critically, the SARA Law as applied by the New York State Department of Corrections and Community Supervision (DOCCS) and the New York City Department of Homeless Services (DHS) has created an untenable logjam for incarcerated individuals subject to SARA who are due to be released from state prison. DHS requires any homeless single adult man seeking shelter to first report to the 30th Street intake office shelter (often referred to as “Bellevue”) before being assigned to a DHS shelter somewhere in the five boroughs.⁷ But because 30th Street is itself within 1000 feet of “school grounds,” DOCCS refuses to release persons to report there, even when

they have completed their prison sentence and are legally on “post-release supervision.” Instead, DOCCS regularly imprisons such individuals who find themselves unable to locate suitable “SARA-compliant” housing, forcing them to continue to reside in prisons which have been administratively designated “Residential Treatment Facilities.”⁸ As of January 2018, DOCCS was holding 88 such individuals – the majority of them New York City residents – because they could not establish an approved residence. Several of these individuals have sued the State and New York City, claiming that New York State is spending tens of thousands of dollars to hold individuals in prison who are entitled to release under the law, and that the State and City have failed to provide required services to assist those convicted of sex offenses with obtaining permanent housing.⁹ This litigation is pending.

The problem of locating “suitable” housing is not limited to New York City. In 2015, the New York World mapped the housing distribution of individuals on the registry across New York State. Their research showed that most individuals tend to be concentrated in a few homeless shelters, motels, and boarding houses, usually in low-income communities on the outskirts of cities and towns throughout New York State.¹⁰ Because they are housed far from the resources required to successfully reenter the community, these individuals have very limited access to these essential supports.

Federal housing policy deprives a significant additional number of individuals convicted of sex-related offenses from accessing adequate housing options, rendering many individuals homeless or housing insecure.

These restrictions apply even to those who have successfully completed their periods of probation, parole or post release supervision. Individuals required to register for life¹¹ are excluded by law from practically all federally-subsidized housing programs, including public housing and Section 8.¹² This means that, even without including those individuals designated at level 1 who have “mandatory overrides” (thus subjecting them to lifetime registration requirements), more than 25,000 New Yorkers are barred from almost all federally funded housing programs.”¹³

They are unable to live with family members in public housing, cannot obtain Section 8 vouchers to help pay for private housing, and cannot live in federally subsidized housing developments. Because employment opportunities are likewise limited, this relegates many to shelters. This enforced homelessness also impacts the individual’s family, often forcing them to choose between a precarious living situation or living without their loved one.

CALLS FOR REFORM

Patty Wetterling

Perhaps the most notable demonstration of shifting attitudes towards sex offender registries comes from the fact that one of the strongest initial advocates for their creation is now one of the leading advocates against what they have become. Patty Wetterling led the charge for adoption of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which requires states to create sex offender registries. Ms. Wetterling began advocating for this legislation in response to the October 1989 abduction of her 11 year-old son, Jacob,

near his home. Ms. Wetterling got the idea for the registry from discussions with the local police who told her that “a unified database of local residents who had sex-crime convictions would better enable them to apprehend her son’s abductor.”¹⁴

Ms. Wetterling has said that when she was advocating for the passage of the Wetterling Act, she “was one of those people who thought, once a sex offender, always a sex offender, and my view was: lock ’em up and send ’em away, forever and ever.”¹⁵ However, she eventually came to realize that this way of thinking was counterproductive. In a 2014 interview, she told *Slate* that “[t]hese are human beings who made a mistake. If we want them to succeed, we’re going to need to build a place for integrating them into our culture... Right now, you couldn’t walk into a church or community meeting and say, ‘I was a sex offender, but I’ve gone through treatment. I now have this lovely family, and I am so grateful to be a part of this community.’ There is no place for success stories. Nobody believes them.”¹⁶

Following the passage of the Wetterling Act, Ms. Wetterling spent decades continuing to research and study sexual violence prevention. As a result, her beliefs were completely transformed. In 2016, as Director of the Minnesota Department of Health’s Sexual Violence Prevention Program, she oversaw the publication of what an article in *The New Yorker* described as “a remarkable legislative report, titled ‘Sexual Violence Prevention,’ which maps out a public-health response to rape, incest, and childhood sexual assault. Rather than focusing on registries and supervision, it focuses on prevention through behavioral and community health responses.”¹⁷

The New Yorker article notes that one likely reason for Ms. Wetterling's change of mind was the fact that "the registry evolve[d] into something very different from what she'd fought to create. The database was no longer for the private use of law enforcement. Nor was it confined to high-risk offenders or adults who targeted kids... It also imposed a costly burden on law enforcement—time and money that might have gone for supervision of the highest-risk offenders and the training of officers in preventive measures."¹⁸

No longer a private law enforcement tool, sex offender registries have become broad catalogues listing an extensive swath of individuals which are available for public consumption. And the public in turn has used these registries to name and shame registrants, to exile them from employment, housing, and their home communities.

Law Enforcement

One of the original goals of the registries was to better enable law enforcement to track individuals deemed to be at high risk of committing a new sex-related offense. So many individuals are now required to register, however – most of whom do not pose a significant risk – that the number of people law enforcement officials are supposed to be monitoring has grown well beyond their capacity to do so. This results in law enforcement being spread too thin: while their attention should be on the highest risk individuals, they are instead expected to monitor many thousands, most of whom pose a much lower risk. For example, Georgia has more than 17,000 registered individuals. Yet, the Georgia Sex Offender Registration Review

Board assessed a sample of those registered and concluded that 65% of them posed little threat.¹⁹

This recognition has led agencies charged with enforcing registry laws to call for limiting their scope. In California, the state Sex Offender Management Board, a body that includes a district attorney, police officers, and corrections officials, noted that "the registry has, in some ways, become counterproductive to improving public safety" and that "[w]hen everyone is viewed as posing a significant risk, the ability for law enforcement and the community to differentiate between who is truly high risk and more likely to reoffend becomes impossible."²⁰ Earlier this year, California passed a law, SB-384, which created three registration tiers and significantly cut registration periods for several offenses.²¹ This law is discussed more fully below.

As they have with registries, many law enforcement entities have begun to question the value of residency restrictions as well. In 2006, for example, the Iowa County Attorneys Association issued a "Statement on Sex Offender Residency Restrictions in Iowa," which declared that the restrictions "do not provide the protection that was originally intended and [that] the cost of enforcing the requirements and the unintended effects on families of offenders warrant replacing the restrictions with more effective protective measures."²² Similarly, in 2007, Secretary Roger Werholtz of the Kansas Department of Corrections declared that "residence restrictions don't contribute to public safety. In fact, the consensus of experts in the field of sex offender management supported by available research and experience indicates

they do just the opposite. They destabilize offenders, punish their families, thwart law enforcement efforts to effectively supervise this population, make offender registries less reliable, and mislead communities into believing they've discovered a magic bullet for protecting their children."²³

A pioneering 2007 study by the Minnesota Department of Corrections, meanwhile, showed that, for a person convicted of a sex-related offense, residential proximity to schools or parks did not lead to a greater likelihood of recidivism.²⁴ This result has been replicated in numerous other studies in states like Colorado,²⁵ Missouri, Michigan,²⁶ Florida,²⁷ and Kansas.²⁸

More recently, in 2015 the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking at the U.S. Department of Justice released a research brief assessing these and other studies which concluded that "the evidence is fairly clear that residence restrictions are not effective. In fact, the research suggests that residence restrictions may actually increase offender risk by undermining offender stability and the ability of the offender to obtain housing, work, and family support. There is nothing to suggest this policy should be used at this time."²⁹ This research supports the conclusion that the wholesale isolation of this population through residency restrictions serves no proven public safety goal, while imposing collateral consequences that severely hinder the reentry process.

Victim Advocates

Advocates for victims and survivors of sex-related offenses have also acknowledged the potential negative consequences of registries.

Sondra Miller, president of the Cleveland Rape Crisis Center, stated in a 2015 interview that her state's registry "gives the appearance that our community is safer, but we really question whether it lives up to that expectation... The biggest frustration we have with the registry is it feeds into the myths that the general public has about sexual assault... It feeds this stranger-danger mentality when we know it's such a small fraction of the sexual assaults that occur in our community." Ms. Miller added that she believed that "the registries give people a "false sense of security" that sex offenders can be easily identified and avoided, when that's not the case."³⁰

Academic Studies

New York's SORA and SARA laws were based in part on research existing at the time they were enacted, and in part on mythology and public outrage. But research conducted over the intervening two decades has raised significant doubts about the effectiveness of these sorts of laws in meeting their intended purpose. In fact, as will be discussed below, some researchers have come to believe that certain types of laws may even increase the likelihood of future offending.

Recidivism Risk

A key concern about registration laws is that they are based on the false premise that individuals convicted of sex-related offenses are highly likely to reoffend. Instead, research shows anything *but* this: a number of studies indicate that individuals convicted of sex-related offenses have a very *low* likelihood of committing a new sex-related offense. Yet most registries track and impose requirements on individuals with sex-related convictions either

for a period of years, or – more commonly – for the rest of their lives. This is so even though cascading harms caused to registrants by these laws result in these individuals becoming pariahs, thereby increasing the likelihood that they will become homeless, and even making them targets of violence.

Nearly two-thirds of all individuals on the New York State registry have been adjudicated, using the RAI, as being at moderate or high risk of recidivism.³¹ But these designations – and the severe consequences that come of them – belie the fact that individuals who commit sex-related offenses are statistically at low likelihood of recidivating, as shown in both New York’s own research and in studies from across the nation. The New York State Division of Criminal Justice Services conducted a 10-year recidivism study, completed in 2015, of individuals placed on the sex offender registry between January 1, 1997 and November 24, 2005. The study defined “recidivism” as reconviction for an offense that is subject to sex offender registration. The study included all registered individuals convicted of sex-related offenses that could be followed for a full 10-year period. The study found that only 6.6% of all those convicted of sex-related offenses in New York State were convicted of a new sex-related offense within ten years of registering.³² This means that individuals convicted of sex-related offenses recidivate at rates much lower than those of individuals convicted of other types of crimes.

Registry Focus

Another concern regarding registries is that they may target the wrong people because they are mostly designed to prevent “stranger

danger,” attacks from people that the victim does not know, by alerting families to the risk of nearby “predators.” Yet, according to a 2000 report by the federal Bureau of Justice Statistics (BJS), only 3% of sex-related offenses are committed by strangers. Over 86% of victims know their assailant, and when the victim is a young person under the age of 18, the number rises to 93%, with the rate increasing as the child gets younger. BJS also reports that over 48% of assaults on children under the age of 6 are committed by family members.³³ Requiring that individuals convicted of sex offenses be listed on public registries is unlikely to prevent non-stranger and intra-family offenses. These requirements may also, perversely, discourage victims and their families from reporting crimes out of a desire to avoid the lifetime consequences that would ensue for their family members. Furthermore, as mentioned above, registries may also result in a false sense of security by causing people to focus their anxieties on the wrong individuals.

Residency restrictions like New York’s SARA Law are also useless in preventing non-stranger and intra-family offenses. The goal of these laws is to protect children from advances by strangers. Yet current research raises serious questions about their effectiveness. The studies discussed above reveal that such laws do not prevent sex offenses against children; there is no evidence that would-be child predators choose to live near schools in order to have greater access to potential victims. Furthermore, as described above, the research suggests that residency restrictions may increase the likelihood of recidivism and victimization. In addition to focusing law enforcement and community resources on the

wrong population, residency restrictions cut individuals off from social supports, such as family and friends, and from locations where mental and other health services, as well as employment are likely to be available.³⁴ As a result, these restrictions are likely to increase the already significant stress involved in reintegrating into society – the stress involved in reentry has long been recognized by researchers as a risk factor for recidivism.³⁵

The Way Forward:

Federal Recommendations

The need for more effective policies that increase social reintegration is underlined by a 2008 report from the Center for Sex Offender Management, a project of the federal Department of Justice. The report, entitled “Twenty Strategies for Advancing Sex Offender Management in Your Jurisdiction,” includes among its best practices better treatment programs and more housing options for individuals convicted of sex-related offenses. The report points to research showing that “sex offender treatment is associated with reduced recidivism among sex offenders.” The report also offers models of various state programs that use smart policies to reduce recidivism. For instance, the Texas Department of Criminal Justice, “[r]ecognizing that stable, gainful employment can enhance successful reentry, [helps run] Project RIO, a statewide initiative, [that] links offenders to jobs that match their skills, education, and interests prior to release and provides ongoing employment support in the community.” Further, emphasizing the importance of safe and stable housing, the report criticizes residency restrictions, explaining that barriers to housing “run counter to efforts to reduce the rate of reoffense, in that research demonstrates

Some researchers have come to believe that certain types of laws may even increase the likelihood of future offending.

that stabilization in the community contributes to decreases in reoffense rates among sex offenders.”³⁶

The Way Forward:

California

As a result of the call for reforms from the California Sex Offender Management Board described above, Alameda County District Attorney Nancy E. O’Malley and Los Angeles County District Attorney Jackie Lacey co-sponsored a set of legislative reforms.³⁷ These reforms were supported by a broad coalition that included the California Coalition Against Sexual Assault, with the participation of Rape Crisis Center Programs and survivors,³⁸ as well as the California District Attorneys Association, California Police Chiefs Association, and Los Angeles County Sheriff’s Department. The bill, SB384,³⁹ was approved by the California legislature on September 16, 2017 and signed into law by Governor Brown on October 10, 2017.⁴⁰ It will shorten the duration of registry requirements and, starting in 2021, allow 90% of individuals to petition to be removed from both the public and the

police registries 10 to 20 years after they are released from prison as long as they have not committed another serious or violent felony or sex crime.

RECOMMENDATIONS FOR NEW YORK

To improve the housing prospects of individuals on the registry and to provide them equal opportunity for safe and successful community reentry, New York State and City should adopt the following proposals:

- A. Eliminate or modify the 1,000-foot residency restriction for those subject to SARA;**
- B. Narrow the group of individuals who are subject to the SARA Law residency restriction; and**
- C. Provide incentives at the City and State levels to housing developers and providers who agree to house and serve people with sex-related convictions.**

A: New York State should eliminate—or at least reduce—the 1,000-foot residency restriction included in the Sexual Assault Reform Act. This restriction bars individuals who are currently under parole or post-release supervision who have either been adjudicated as SORA risk Level 3 or whose crime involved a child victim from living in or passing through nearly all of Manhattan and the Bronx, most of Brooklyn, and large portions of Queens.⁴¹ The law effectively banishes thousands of New Yorkers from most of New York City. The lack of empirical evidence behind this restriction makes it unjustifiable. Moreover, as described above, the evidence suggests

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that residency restrictions such as these do not increase public safety and that, in fact, the lack of social supports and other consequences that result from these restrictions can actually put someone at a higher risk of reoffense.

Reducing the 1000-foot “buffer zone” to 500 feet in cities of more than a million (i.e., New York City), would recognize the realities of housing in New York City and would open up significantly more housing opportunities with no adverse effect on public safety. Specifically, it would allow individuals awaiting release from DOCCS facilities to report to the DHS intake office at 30th Street and thereby end the basis for continued confinement of persons who are legally entitled to their release.

B: Alternatively, residency restrictions should be imposed by New York courts on a case-by-case basis in situations where there is a reasonable basis to conclude that the individual

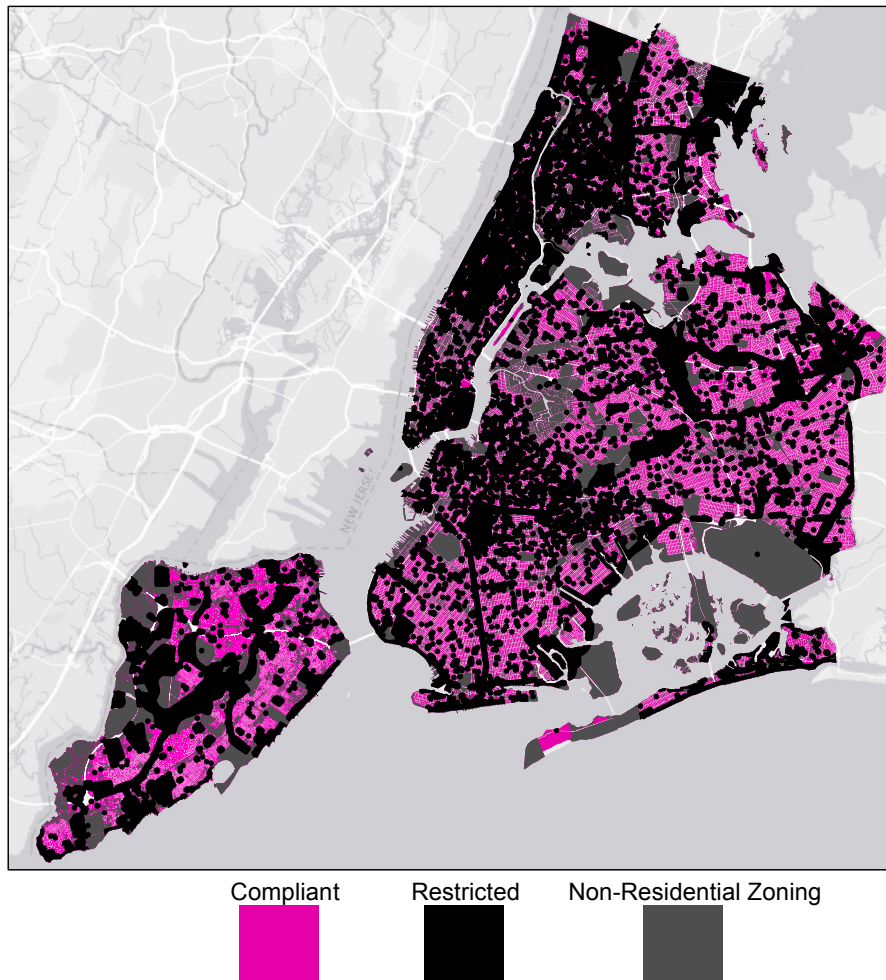
poses a particular danger to children residing or attending school nearby, such as in those rare cases where the individual actually offended against a child or teenage “stranger.” At the very least, residency restrictions should be limited to those individuals who actually offended against child victims. Individuals designated “high risk” whose offense was against an adult could still undergo the desired level of monitoring and supervision. However, their conviction should have no bearing on where they are allowed to live.

The State should also replace the RAI with a validated instrument that more accurately predicts the risk of reoffending.^{42,43} The Board of Examiners of Sex Offenders, which administers the RAI, has provided no reason for the arbitrary point disparities it uses to evaluate factors.⁴⁴

In fact, two groups of experts who regularly treat those convicted of sex-related offenses – the New York State Alliance of Sex Offender Service Providers and the New York State

Increased Housing Opportunities Under Proposed Modified SARA

Alternative regulations (500 feet from schools, daycare centers, and parks)



Gabriel Frey Schuster, 2016

Association for the Treatment of Sexual Abusers – have both issued position statements criticizing the Board’s continued use of the RAI and recommending use of a validated instrument instead.⁴⁵

It appears highly likely that the RAI overestimates the number of individuals who are at high risk of committing another offense. If this is so, then many individuals who are currently adjudicated as Level 2 or 3 registrants would instead be deemed at low risk of recidivism if assessed using a more predictive mechanism.

The result would be that these individuals would no longer be required to register for the rest of their lives. As a result, they would no longer be permanently excluded from most federally-subsidized housing, and many would no longer be subject to SARA.

In addition, because, as described above, studies suggest that social isolation and unstable living conditions can increase the risk of reoffending both for sex-related crimes and other offenses, proper risk adjudication that led to stable housing located close to jobs and other supports and services could result in increased public safety.⁴⁶

By contrast, as described in more detail above, the current practice of over-adjudicating the number of individuals deemed to be high risk not only severely limits their housing options, but further increases the threat to public safety by wasting government resources on policing those who may pose little to no risk of recidivism and reducing the limited resources available for supervision of the small number of individuals who truly pose a high risk.⁴⁷

C: City and State housing plans should include incentives for housing developers and providers who agree to house and serve people with sex-related convictions.

Access to safe, stable housing is an essential component in achieving successful reentry, treatment, employment and other goals. Despite state laws and regulations that require DOCCS and New York City to provide housing services to individuals convicted of sex-related offenses in order to assist them in relocating,⁴⁸ many end up homeless as a result of difficulties accessing or maintaining stable, affordable housing due to both housing restrictions and the stigma that results from their conviction histories.⁴⁹ As a result, these individuals are often forced into shelters or other unstable living situations far from needed services and treatment.⁵⁰ This makes it more challenging for them to sustain employment or participate in treatment.⁵¹ It is also more difficult for law enforcement to supervise homeless individuals and others who lack a stable address.

Supportive housing is a critical resource that can address “psychosocial stressors” such as homelessness, unemployment and untreated mental health and substance use disorder issues.⁵² Furthermore, supportive housing is cost-effective, saving taxpayers an estimated \$10,000 a year per housing unit by reducing the likelihood of re-arrest and other costly systems involvement.⁵³ However, few service providers currently provide housing or services tailored to individuals convicted of sex-related offenses.

Many are concerned about housing people with sex-related convictions due to fears of

“Not in My Backyard” (NIMBY) or other siting challenges. As a result, providing financial incentives would help developers cover the cost of any additional staff time required to address siting issues and help cover the cost of additional services.

Mayor de Blasio’s affordable housing plan was first announced in June 2014 and is intended to create and preserve 200,000 units of affordable and supportive housing.^{54, 55} The administration is currently on track to build and protect 200,000 affordable homes by 2022, and has set a new goal of 300,000 affordable units by 2026, along with 15,000 units of supportive housing.⁵⁶ Governor Cuomo has signed legislation providing \$2.5 billion toward his larger commitment to create or preserve over 110,000 units of affordable and 20,000 units of supportive housing statewide over the next 15 years.⁵⁷ These new affordable and supportive housing resources are intended for the most vulnerable among us, and people convicted of sex-related offenses are an especially vulnerable population. In order to ensure access to housing for this population, the de Blasio and Cuomo administrations should establish incentive programs for developers and service providers who agree to house homeless individuals who have been convicted of sex-related offenses.

CONCLUSION

Registration laws for those convicted of sex-related offenses, and more specifically the housing restrictions that impact these individuals, are counterproductive. The registries ensnare the wrong people. Overbroad housing restrictions make communities less safe while fostering a false sense of security. Sound policy stands on good science, and the science could not be clearer. Individuals convicted of sex-related offenses are statistically unlikely to reoffend, and recidivism rates can be further reduced with the right changes in law and policy. We urge New York City and State governments to address these challenges head-on.

ENDNOTES

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- ² Condon, Tom. “Sex offender registry: More harm than good?” The CT Mirror. May 21, 2018. <https://ctmirror.org/2018/05/21/sex-offender-registry-harm-good/>
- ³ “A Study of the Sex Offender Sentencing, Registration, and Management System” Connecticut Sentencing Commission. November 2017. https://www.ct.gov/ctsc/lib/ctsc/Sex_Offender_Report_11.03.2017Final_edits.pdf
- ⁴ Connecticut HB-5578, https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&bill_num=HB05578&which_year=2018
- ⁵ Probation for sex offenses lasts from six to ten years depending on the degree of offense. Periods of parole supervision last from five years to as long as 25 years.
- ⁶ Russo, Melissa. “I-Team: NYC Tries to Force Shelter to Take 50 Sex Offenders” NBC June 17, 2015. <https://www.nbcnewyork.com/news/local/Shelter-Brooklyn-DOE-Fund-Program-Sex-Offender-School-1000-Feet-Investigation-307973991.html>
- ⁷ Single adult women can apply at HELP Women’s Shelter, 116 Williams Avenue, Brooklyn, or Franklin Shelter, 1122 Franklin Avenue, Bronx.
- ⁸ Goldstein, Joseph. “Housing Restrictions Keep Sex Offenders in Prison Beyond Release Dates” New York Times, August 21, 2014. from <https://www.nytimes.com/2014/08/22/nyregion/with-new-limits-on-where-they-can-go-sex-offenders-are-held-after-serving-sentences.html>
- ⁹ Alcantara v. Annucci, Index No. 2534/16 (N.Y. Sup. Ct. Albany Co.). See also The People of the State of New York ex rel. William Green v. Superintendent of Sullivan Correctional Facility, et al. 137 A.D.3d 56 (3rd Dept.2016), and Gonzalez v. Annucci, 149 A.D. 3d 256 (3rd Dept. 2017).
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SIGNATORIES

(List in formation)

Alliance of Families for Justice

The Bronx Defenders

Coalition for the Homeless

Center for Community Alternatives

College and Community Fellowship

Community Service Society

Correctional Association of New York

The Fortune Society, Inc.

Hour Children

Legal Action Center

The Legal Aid Society

Mobilization for Justice, Inc.

Neighborhood Defender Service of Harlem

New York Sex Offense Working Group

The Prisoner Reentry Institute at John Jay College of Criminal Justice

Providence House

Youth Represent