


 <b>Corrections and Community Supervision</b>  <b>DIRECTIVE</b>	TITLE <b>Sex Offender Registrants/Placement of Certain Sex Offenders in the Community</b>		NO. 8303 <hr/> DATE 12/09/2020
	SUPERSEDES DIR # 8303 Dtd. 10/02/18	DISTRIBUTION A	PAGES PAGE 1 OF 7
REFERENCES (Include but are not limited to) Correction Law §203; Executive Law §259; Sex Offender Registration Act; Directives #8700, #9217		APPROVING AUTHORITY  	

- I. DESCRIPTION:** This directive instructs Department of Corrections and Community Supervision (DOCCS) staff in the requirements of Correction Law §203. This law requires rules and regulations that include guidelines and procedures on the placement of certain sex offender registrants in the community, and requires DOCCS to consider certain specific factors when investigating and approving community residential placement of all pending, Level 2, and Level 3 sex offender registrants.

This legislation also requires DOCCS' involvement in, and approval of, temporary housing placements made by local social services districts for undomiciled pending, Level 2, and Level 3 sex offender registrants where a notice of person likely to seek access to local social services for homeless persons was provided to a local social services district pursuant to Correction Law §203(2). This includes both persons being released to supervision and at maximum expiration of sentence.

- II. POLICY:** It is the policy of DOCCS to structure the community placement of sex offenders designated as pending, Level 2, and Level 3 offenders, pursuant to the Sex Offender Registration Act, through the community preparation process of investigation to enhance public safety and facilitate the successful return of offenders to their home communities and/or successful placement of eligible offenders into residential services specific to identified needs and eligibility for services.

Additionally, DOCCS will assist local social services districts that request investigation and approval of a potential temporary housing placement for any pending, Level 2, or Level 3 Sex Offender Registry case being released from DOCCS, where a notice of registered sex offender being released who is likely to seek access to local social services for homeless persons has occurred.

The following specific factors outlined in Section III-B-1 (below) are required to be considered in approving a community residence placement for sex offenders. The procedures below guide the coordination process between DOCCS and local social services districts.

### **III. PROCEDURE**

- A. Community Preparation Assignment Regarding Sex Offender Registrants Being Released on Presumptive Release, Parole, Conditional Release, or Post-Release Supervision**

1. The Offender Rehabilitation Coordinator (ORC) and Senior Offender Rehabilitation Coordinator (SORC) will initiate the community preparation process for Sex Offender Registry cases in accordance with Directive #8700, "Community Preparation – Case Assignment and Release Investigation Process," and Case Management System (CMS) associated community preparation directives.

Where a registry risk level is not known or is pending at the time of the community preparation assignment, this information will be recorded in the CMS narrative.

**B. Community Preparation Investigation Process**

1. The Field Parole Officer (PO) will investigate the post-release program of pending, Level 2, and Level 3 sex offender registrants being released to supervision from incarceration with the objective of attaining the best possible available residential placement. Such investigation shall include, but not be limited to, consideration given to the following factors:
  - a. The sex offender's level of risk;
  - b. Any applicability of Executive Law §259-c(14) [See Attachment A, "NYS Sexual Assault Reform Act (SARA)"];
  - c. Any known local laws or ordinances restricting the residency of certain sex offenders in the jurisdiction;
  - d. The proximity of entities with vulnerable populations, including but not limited to, minors, the elderly, or the disabled;
  - e. The location of other sex offenders required to register under the Sex Offender Registration Act, specifically whether there is a concentration of registered sex offenders in a certain residential area or municipality;
  - f. The number, if any, of registered sex offenders at a particular property;
  - g. The accessibility to family members, friends, or other supportive services, including but not limited to, locally available sex offender treatment programs with preference for placement of such individuals into programs that have demonstrated effectiveness in reducing sex offender recidivism and increasing public safety; and
  - h. The availability of permanent, stable housing in order to reduce the likelihood that the offender will be transient.
2. Staff will review all available case information, available sex offender registry, and community mapping information, as provided through the web-based Critical Infrastructure Response Information System (CIRIS), in considering the needs of the case. In addition to completing a CIRIS check, staff must ensure that a home visit with visual inspection of the surrounding area was completed prior to approving the address. A visual inspection will require the PO to survey the 1000 foot area surrounding the residence in all directions. The investigating PO shall make an entry into CMS, documenting CIRIS review by entering the contact code "CWI" (CIRIS web inquiry).
3. Cases with an undomiciled residence proposal, or where the investigating PO determines there is a need to refer the case for emergency housing assistance through the local social services district, will be identified as early as possible in the community preparation process. The assigned PO will immediately initiate contact with the local district for investigation and approval. Where no location for investigation can be identified at this time, the case will likely require investigation on or near the date of release as detailed in Section III-B-4.

4. The community preparation investigation findings and report will take into consideration:
  - a. All relevant case information, including but not limited to, the offender's criminal history, current crime of conviction, victim information, and orders of protection;
  - b. The investigation factors set forth in Section III-B-1; and
  - c. The structure of the supervision plan and the services to be afforded through either DOCCS or some other entity or service provider within the releasee's community.

The field office community preparation investigation report will clearly identify any case where investigation and approval of a placement has not yet occurred. In such case, it is the responsibility of the facility ORC/SORC to prepare Form #CS9606, "Notice to Local Social Services District of Registered Sex Offender Being Released to Supervision." The form will identify contact information for the assigned Bureau Chief (BC), and will be faxed or emailed to the local social services district liaison and the assigned BC by no later than 30 days (or as soon as practicable in the case of an emergency release) prior to release.

5. Where DOCCS has been notified, in writing, by a local social services district that a determination has been made that a pending, Level 2, or Level 3 sex offender for whom a notice was received is in immediate need of shelter, and an investigation and approval of a proposed temporary housing placement by DOCCS is required, the BC will ensure that the proposed temporary housing placement is immediately investigated in accord with the anticipated release date and the factors outlined in Section III-B-1 (above). DOCCS will share, in writing, the results of its investigation and findings with the local social services district. Investigation results will be communicated to the local social services district designee by email (see Sample-Attachment B).
6. Where time allows, and where the initial investigation by DOCCS resulted in disapproval of the proposed temporary housing location, the local district may request, in writing, an additional temporary housing investigation.
7. When an investigation by DOCCS is impracticable within the timeframe necessary for local social services district to meet the immediate housing need of the releasee by the date of release, DOCCS will complete its investigation within 48 hours of receipt of the local social services district's notice that such temporary housing placement was necessary to meet the immediate housing need.
8. In any supervision case where a local social services district places a sex offender into temporary housing, and that location appears to be in conflict with local laws or ordinances regarding the placement of such individuals, the enforcement of such local laws or ordinances is best handled by local law enforcement officials acting in accord with the District Attorney's office for that county.

C. Persons Released from DOCCS by Maximum Expiration of Sentence Who Require Notice to a Local Social Services District Pursuant to Correction Law §203(2)

1. DOCCS identifies sex offender registrants who require notice to a local social services district pursuant to Correction Law §203.2. A notice is prepared by the ORC and/or SORC and is sent to the Director of Guidance and Counseling. Approximately seven days (or as soon as practicable in the case of an emergency release) prior to release to the county where the inmate reports he or she may return to, the Director's Office will complete Form #CS9606A, "Notice to Local Social Services District of Registered Sex Offender Being Released from Prison Upon Expiration of Sentence," and send it to the social services district with a copy to the BC.  
  
The notice provides the local social services district with contact information for the BC. The notice directs the local social services district to send a written request for investigation of potential temporary housing placement to the identified BC.
2. Where the BC has been notified, in writing, by a local social services district that a determination has been made that an inmate for whom a notice was received from DOCCS is in immediate need of shelter, and an investigation and approval of a contemplated temporary housing placement by DOCCS is required, the BC will:
  - a. Open and assign a community preparation investigation on CMS (See instructions in Attachment C);
  - b. Ensure that the contemplated placement is immediately investigated in accord with the anticipated release date and the factors outlined in Section III-B-1 (above). Note however, the SARA condition does **not** apply to persons being released without a supervision status;
  - c. Ensure preparation of a written report of the investigative findings, including any reason(s) for denial of a placement; and
  - d. Communicate the investigation results by email (See sample-Attachment B) with the local social services district.
3. Where time allows, and where the initial investigation by DOCCS resulted in disapproval of the proposed temporary housing location, the local district may request, in writing, an additional temporary housing investigation.
4. When an investigation by DOCCS is impracticable within the timeframe necessary for the local social services district to meet the immediate housing need by the date of release, DOCCS will complete its investigation within 48 hours of receipt of the local social services district's notice that such placement was necessary to meet the immediate housing need.

**NYS SEXUAL ASSAULT REFORM ACT (SARA)  
EXECUTIVE LAW §259-c SUBDIVISION 14**

EXECUTIVE LAW § 259-c, SUBDIVISION 14 REQUIRES THE BOARD OF PAROLE TO IMPOSE THE MANDATORY CONDITION OF RELEASE UPON ALL OFFENDERS WHO ARE RELEASED TO THE COMMUNITY ON OR AFTER 2/01/2001 WHO ARE SERVING ONE OR MORE SENTENCES (INCLUDING JUVENILE OFFENDERS AND YOUTHFUL OFFENDERS) FOR THE FOLLOWING SPECIFIED OFFENSES (INCLUDES AN ATTEMPT TO COMMIT ANY OF THE FOLLOWING) WHERE EITHER THE VICTIM WAS UNDER THE AGE OF 18 AT THE TIME OF THE OFFENSE OR A LEVEL 3 SEX OFFENDER.

SECTION	CRIME	CLASS	SECTION	CRIME	CLASS
130.20	Sexual Misconduct	A Misdemeanor	130.96	Predatory Sexual Assault Against a Child	A-II Felony
130.25	Rape – 3 <sup>rd</sup>	E Felony	135.05	Unlawful Imprisonment - 2 <sup>nd</sup>	A Misdemeanor
130.30	Rape – 2 <sup>nd</sup>	D Felony	135.10	Unlawful Imprisonment - 1 <sup>st</sup>	E Felony
130.35	Rape – 1 <sup>st</sup>	B Felony	135.20	Kidnapping - 2 <sup>nd</sup>	B Felony
130.40	Sodomy – 3 <sup>rd</sup> / Criminal Sexual Act 3 <sup>rd</sup>	E Felony	135.25	Kidnapping – 1 <sup>st</sup>	A-I Felony
130.45	Sodomy – 2 <sup>nd</sup> / Criminal Sexual Act 2 <sup>nd</sup>	D Felony	135.35	Labor Trafficking	D Felony
130.50	Sodomy – 1 <sup>st</sup> / Criminal Sexual Act 1 <sup>st</sup>	B Felony	135.37	Aggravated Labor Trafficking	C Felony
130.52	Forcible Touching	A Misdemeanor	135.45	Custodial Interference – 2 <sup>nd</sup>	A Misdemeanor
130.53	Persistent Sexual Abuse	E Felony	135.50	Custodial Interference – 1 <sup>st</sup>	E Felony
130.55	Sexual Abuse – 3 <sup>rd</sup>	B Misdemeanor	135.55	Substitution of Children	E Felony
130.60	Sexual Abuse – 2 <sup>nd</sup>	A Misdemeanor	135.60	Coercion – 3 <sup>rd</sup>	A Misdemeanor
130.65	Sexual Abuse – 1 <sup>st</sup>	D Felony	135.61	Coercion – 2 <sup>nd</sup>	E Felony
130.65-a	Aggravated Sexual Abuse – 4 <sup>th</sup>	E Felony	135.65	Coercion – 1 <sup>st</sup>	D Felony
130.66	Aggravated Sexual Abuse – 3 <sup>rd</sup>	D Felony	255.25	Incest – 3 <sup>rd</sup>	E Felony
130.67	Aggravated Sexual Abuse – 2 <sup>nd</sup>	C Felony	255.26	Incest – 2 <sup>nd</sup>	D Felony
130.70	Aggravated Sexual Abuse – 1 <sup>st</sup>	B Felony	255.27	Incest – 1 <sup>st</sup>	B Felony
130.75	Course of Sexual Conduct Against a Child – 1 <sup>st</sup>	B Felony	263.05	Use of a Child in a Sexual Performance	C Felony
130.80	Course of Sexual Conduct Against a Child – 2 <sup>nd</sup>	D Felony	263.10	Promoting an Obscene Sexual Performance <u>By</u> A Child	D Felony
130.85	Female Genital Mutilation	E Felony	263.11	Possessing an Obscene Sexual Performance <u>By</u> A Child	E Felony
130.90	Facilitating a Sex Offense with a Controlled Substance	D Felony	263.15	Promoting A Sexual Performance by A Child	D Felony
130.91	Sexually Motivated Felony	Felony level same as specified offense	263.16	Possessing A Sexual Performance by A Child	E Felony
130.95	Predatory Sexual Assault	A-II Felony	263.30	Facilitating A Sexual Performance by a Child with a Controlled Substance or Alcohol	B Felony

December 2020

**PART I:*****Sample Local Social Services District Request for Correction Law §203.1 Investigation by the Department of Corrections and Community Supervision***

**TO:** New York State Department of Corrections and Community Supervision  
Bureau Chief \_\_\_\_\_

**FROM:** \_\_\_\_\_ County Department of Social Services  
\_\_\_\_\_ (name)

**RE:** \_\_\_\_\_ (case name) \_\_\_\_\_ NYSID  
\_\_\_\_\_ RELEASE DATE

**DATE:** \_\_\_\_\_

The \_\_\_\_\_ County Department of Social Services has received a notice on the above-referenced individual pursuant to Section 203.1 of the New York State Correction Law.

Our office has determined that this individual is in need of immediate shelter and investigation and approval of the potential temporary housing placement noted below is required:

Name of Organization: \_\_\_\_\_  
Address/Zip Code: \_\_\_\_\_

Phone number: \_\_\_\_\_  
Contact Person: \_\_\_\_\_

Comments: \_\_\_\_\_

Please provide the results of your findings by no later than \_\_\_\_\_. Should you have any questions, please contact \_\_\_\_\_ at \_\_\_\_\_ (phone). Thank you.

**PART II:*****Sample Department of Corrections and Community Supervision Report to Local Social Services District Following Investigation of Case pursuant to Correction Law §203.1*****NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION REPORT OF TEMPORARY HOUSING PLACEMENT INVESTIGATION**

**DATE:** \_\_\_\_\_

The above referenced potential temporary housing placement was investigated by the Department of Corrections and Community Supervision on \_\_\_\_\_ and was:

\_\_\_\_\_ approved; or  
\_\_\_\_\_ disapproved specify reasons: \_\_\_\_\_

Please contact me at \_\_\_\_\_ should you have any questions. If additional investigation is required, please submit a new written request. Thank you.



**CHAPTER 568 LEGISLATION- COMMUNITY PREP INVESTIGATION CASE  
CREATION GUIDELINES FOR BUREAU CHIEFS AND/OR SENIOR PAROLE  
OFFICERS****1. Create a case in CMS**

Facility: \_\_\_\_\_ CP Supervision Status: \_\_\_\_\_  
Area Assignment: \_\_\_\_\_ Prop Release Date: \_\_\_\_\_ (mm dd yy)  
Community Prep Type: \_\_\_\_\_ CP Investigation Due: \_\_\_\_\_ (mm dd yy)

Enter the following:

Facility subject is to be released from: (Press F4 to look up).  
CP Supervision status of '00'  
Area (Press F4 to look up)  
Proposed release date (ME date), or current date if ME is past.  
Comm prep type of '1' (straight date)  
CP Investigation date (ME date), or current date if ME is past.  
Press <F1>.

**2. Create a proposed address in CMS**

Enter the 'Proposed' address which needs to be investigated.

**3. Create a contact type of 'UDF' with an activity code of 'AP' Address Proposed.**

Press <F9> to enter contact.

Example:

Contact Date: 12 10 08 (mm dd yy) Contact Time: 10 : 00 AM (00:00 AM/PM)  
Contact Type: UDF UNDOMICILED DSS F Confidential Contact: N NO (Y/N)

**Activity Codes**

#1: AP ADDRESS PRO #2: \_\_\_\_\_ #3: \_\_\_\_\_ #4: \_\_\_\_\_

#5: \_\_\_\_\_ #6: \_\_\_\_\_ #7: \_\_\_\_\_ #8: \_\_\_\_\_

Location Code: \_\_\_\_\_ Address: \_\_\_\_\_

Comment:

REC'V FAX FROM DSS FOR ADDRESS APPROVAL. CASE CREATED AND ADDRESS PROPOSED.

**4. Assign the case to the Parole Officer. (Using the Source(03) transfer screen).**

5. Advise PO that all contacts and address updates (New proposed, address rejected etc.) are also required to be entered into CMS.

6. To close the community prep when all work is completed, send an e-mail notification to Quality Control, asking that the case be deleted from the PO's caseload in CMS.