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**Thomas P. DiNapoli  
COMPTROLLER**



**Audit Objective..... 2**  
**Audit Results - Summary..... 2**  
**Background..... 2**  
**Audit Findings and  
Recommendations..... 3**  
Responsibilities Under the Act..... 3  
*Recommendations..... 10*  
**Audit Scope and Methodology..... 10**  
**Authority ..... 11**  
**Reporting Requirements..... 11**  
**Contributors to the Report ..... 12**  
**Appendix A - Auditee Response.. 13**

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**OFFICE OF THE  
NEW YORK STATE COMPTROLLER**

**DIVISION OF STATE  
GOVERNMENT ACCOUNTABILITY**

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**NEW YORK STATE  
DIVISION OF CRIMINAL  
JUSTICE SERVICES**

**SEX OFFENDER REGISTRY  
PROGRAM**

**Report 2006-S-21**

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## AUDIT OBJECTIVE

Our objective was to determine whether the Division of Criminal Justice Services (Division) appropriately administered and met its responsibilities under the Sex Offender Registration Act (Act).

## AUDIT RESULTS - SUMMARY

The purpose of the Act is to protect citizens through an early warning system while protecting convicted sex offenders from vigilantism. It established the Sex Offender Registry (SOR) and public disclosure requirements regarding sex offenders. The Act also established certain requirements and responsibilities that must be fulfilled by the Division.

We found the Division complied with its responsibilities under the Act. However, the Division needs to improve some of its administrative procedures in meeting these responsibilities. For example:

- Sex offender driver's license information is a required data element of the SOR. To better ensure the accuracy of the SOR, the Division should periodically verify SOR driver's license information with Department of Motor Vehicles driver's license information.
- Annually, the Division sends a letter to sex offenders asking them to confirm their address. If no reply is received within 21 days from the date the letter is sent out, or the letter is returned as undeliverable, the Division sends a letter to local law enforcement agencies advising them of the lack of response from the sex offender. However, there is limited communication between the Division and local law enforcement agencies regarding the status of

offenders for whom no reply was received.

- The Division needs to expand its public awareness efforts to include other activities such as signage on public transportation. This will provide information about the Act to individuals who do not have access to the website.

Our report contains 11 recommendations for improving the administration of the Division's activities related to the Act. Division officials agreed with most of our recommendations and have taken steps to implement changes.

This report, dated December 28, 2007, is available on our website at: [www.osc.state.ny.us](http://www.osc.state.ny.us). Add or update your mailing list address by contacting us at: (518) 474-3271 or Office of the State Comptroller  
Division of State Government Accountability  
110 State Street, 11<sup>th</sup> floor  
Albany, NY 12236

## BACKGROUND

The purpose of the Act, which became effective on January 21, 1996, is to protect citizens through an early warning system while protecting convicted sex offenders from vigilantism. It established the Sex Offender Registry (SOR) and public disclosure requirements regarding sex offenders. The Act also established certain requirements and responsibilities that must be fulfilled by the Division.

Under the Act, any person who is convicted of sex offenses is required to register as a sex offender when he or she is released from incarceration or receives a non-incarcerative sentence, such as probation or payment of a fine. Registered offenders are classified by

the court based on the risk of re-offense. There are three levels: Level 1 (low risk), Level 2 (moderate risk) or Level 3 (high risk). An offender with a risk level of pending has not yet had a risk level assigned by the court. Offenders shall remain on the SOR from 20 years to life, depending on their risk level. The court also determines whether an offender should be given the designation of sexual predator, sexually violent offender, or predicate sex offender.

The following table shows statewide how many sex offenders are registered by risk level:

Risk Level	December 31, 2004	December 31, 2005	July 20, 2006
1	6,524	7,619	8,226
2	7,378	8,169	8,633
3	5,473	5,476	5,778
Pending	941	963	819
Total	20,316	22,227	23,456

The SOR is an electronic database listing all registered sex offenders. However, the Division also maintains paper files to hold required documents pertaining to sex offenders including their signed annual verification forms. In 2005, the Division hired a consultant to analyze the SOR system, document problem areas and user requirements, and develop a conceptual design for an enhanced Sex Offender Management System. The Division is proceeding with developing this system and expects to have the new system implemented in the Spring of 2008. For the fiscal year 2006-07, 20 full-time equivalent employees out of the Division's 706 total full-time equivalent employees were working on the SOR program.

## AUDIT FINDINGS AND RECOMMENDATIONS

### *Responsibilities Under the Act*

The Act requires the Division to do the following:

- Establish and maintain the SOR.
- Make the SOR available to any regional or national registries.
- Develop a standardized registration form. The form shall advise offenders of their duties and obligations under the Act.
- Annually mail a non-forwardable form to the last reported address of the sex offender, requiring the offender to verify their location to the Division.
- Establish and operate a toll-free telephone number.
- Establish and maintain a subdirectory of risk Level 2 and Level 3 offenders to be available on the Division's web site.
- Establish a public awareness campaign to advise the public of the provisions of the Act.
- Charge a \$10 fee each time an offender registers any change of address or status of enrollment, attendance, employment or residence at any institution of higher education. The fee is to be deposited into the State's general fund.
- Upon request of any children's camp operator, release information in the

registry relating to a prospective employee in accordance with the Act.

- Notify each offender, whose term of registration and verification would otherwise expire prior to March 31, 2007 of the continuing duty to register and verify their location.

We found that the Division has complied with all of these requirements. However, we found the Division needs to improve its administrative procedures and policies in implementing some of the requirements.

#### Establish and Maintain the SOR

The Act required the Division to establish and then maintain the State's SOR. The Division established the SOR and maintains it on a daily basis. However, we found that the information in the SOR was not always accurate and up-to-date. Further, we found that certain information required by law was missing for some of the records we reviewed. We randomly selected a sample of 200 of 23,456 offenders registered on the SOR as of July 20, 2006 to determine whether the SOR data was complete and accurate. To accomplish this objective, we analyzed SOR and paper data for our sample of offenders and compared information between the SOR and the offenders' paper files. We found that the SOR records for 74 offenders contained certain inaccuracies or omissions.

For example, while photographs and a description of the offense for which the sex offender was convicted are required by law to be part of an offender's records, this information was not included in the SOR or in the offenders' paper files for three of the offenders in our sample. Division officials stated that the information was not provided to them and, therefore, it can not be added to SOR. However, we believe the Division

should be more proactive in obtaining missing information and adding it to their records.

Most of the discrepancies (54 records) involve driver's license numbers which did not match between the SOR and the supporting paper files. We also found that the Division does not match SOR driver's license information with Department of Motor Vehicle (DMV) records to ensure accuracy. When we checked DMV's records to confirm the information, we determined most of the licenses belonged to a person other than the offender in Division's records. Thus, there is a need for the Division to make sure the offenders are providing correct license information.

Division officials responded that our audit finding disclosed a programming problem with the SOR application regarding the driver's license information. The application did not update the driver's license information correctly, resulting in more than one driver's license number on SOR. Division officials stated that they corrected the problem and that the driver's license is seldom, if ever, used by the public to identify an offender. (In response to our draft audit report, Division officials stated that they matched drivers' license information maintained on the Sex Offender Registry with drivers' license information maintained by DMV. They added that in the future, drivers' license information provided to the Registry will be compared against DMV records at the time of registration.)

For the remaining 17 offender records, the inaccuracies or omissions included: unmatched alias (7); address (5); distinctive markings (3); and annual verification not sent (2).

In December 2005, the Division implemented a process with the Department of Correctional

Services (DOCS) to allow the Division to continuously verify that offenders released from DOCS are registered on the SOR. We matched the sex offenders released from DOCS in calendar year 2005 to the SOR to ensure that the process was working as intended and the sex offenders released from DOCS were registered. We determined that 1,530 out of 1,553 offenders released were registered, 22 were not required to register (due to death, sentences vacated or still incarcerated because they were transferred to OMH facilities), and one was deported and did not register even though registration was required. The Division corrected this as a result of our audit. The Division should periodically do an electronic file match between offenders released from incarceration and the SOR to ensure that all sex offenders released from incarceration are registered.

We also found the Division needs to update its disaster recovery plan and document test results of the plan to ensure critical applications such as the SOR can continue to operate in the event of a mishap or disaster. Division officials responded that they agreed with these findings and are taking steps to both update their disaster recovery plan and document testing of critical components of its disaster recovery plan.

#### Make the SOR Available to Regional or National Registries

The Act requires the Division to make registration information available to regional and national sex offender registries. Division officials told us that there is no regional sex offender registry but data is transmitted electronically to the National Sex Offender Public Registry (NSOPR) on a daily basis. We sampled SOR information for 7 new offenders registered during the period November 6, 2006 through November 10, 2006, as well as the change of address

information for 29 offenders whose address changes were posted to the SOR on November 9, 2006. (These were the most recent updates to SOR at the time of our testing.) We determined that all of these 36 transactions were updated correctly to NSOPR. Also, from the July 20, 2006 SOR subdirectory, which contained 14,411 level 2 and level 3 sex offenders, we judgmentally selected 50 offenders whose addresses comprised 14 different zip codes throughout New York State. (The July 20, 2006 file was used because it was the most recent file available when we selected our sample on October 11, 2006.) We compared this sample to the NSOPR and found it was currently included in the SOR.

#### Standardized Registration Form

The Division is required to create a standardized registration form and collect certain information from sex offenders on this and other forms. In total, there are 20 items the law specifies (e.g., full name, address) must be collected and it authorizes the Division to collect any additional information it deems pertinent. We found that the Division did create a standardized registration form. We further found that, through the register form and other formal verification and change of address, the Division captures 19 of the 20 items. Fingerprints are not included on any of the forms but are obtained by the Division on an official fingerprint card from law enforcement. The Division also collects an additional 30 items on its registration form that it has deemed as necessary, but these items are not specified in the law.

The initial registration form is required to be completed by offenders ten days prior to their release from incarceration or at the time of sentencing, if not incarcerated.

## Annual Verification to Offenders

Each year, the Division is required to mail a non-forwardable form to the last reported address of offenders in the SOR to verify their location. The Act requires the sex offender to mail the verification form to the Division within 10 calendar days after the receipt of the form. The Division allows 21 days for the form to be returned, from the date the letter is sent out to account for mailing time. If the original verification form is returned undeliverable, or a response is not received within 21 days, a letter is sent to local law enforcement officials who are responsible for locating the offenders.

The Division mailed 342 annual verification forms on July 12, 2006. We followed up on a random sample of 50 of these. We found the Division met its statutory requirements for issuing the annual verification forms and for issuing the 21-day letter when it was required. However, there was limited communication received from local law enforcement agencies regarding offenders for whom a 21-day letter was issued. We contacted 5 local law enforcement agencies to determine that they had received the 21-day letter and responded to the Division. One local law enforcement agency confirmed they received the 21-day letter but had not responded to the Division, and one agency stated that they had located the offender but did not provide information back to the Division. Three of the five local law enforcement agencies declined to respond to us based on the confidential nature of the information.

We noted a similar problem during our testing of the accuracy and completeness of 200 offenders' SOR information. For 33 of the 200 offenders, annual verification forms were returned by the post office as undeliverable, thus prompting a 21-day letter to local law enforcement. Our review of available

documentation for 10 of the 33 cases again indicates limited further communication between local law enforcement and the Division, even though this pattern had occurred for a period of 2 to 6 years. Two of these ten are Level 3 offenders who have not verified their address for six years. Subsequent to our review, two of ten offenders submitted change of address forms and the Division determined that one offender should not be included in SOR.

There is no statutory requirement that local law enforcement agencies respond to the Division on actions taken to locate offenders, nor is the Division required to follow up on law enforcements' lack of response. However, the Division is responsible for maintaining an accurate SOR. Strengthening follow-up communication with local law enforcement for sex offenders whose addresses have not been verified would enhance the Division's efforts to maintain SOR accuracy. The annual verification can be used to maintain the accuracy of the SOR and provide information to the public by disclosing on its website the last date the offender's address was verified.

(Division officials responded that these issues will be considered for the new Sex Offender Management System. They also responded that they are using eJusticeNY, the secure law enforcement website, to notify local law enforcement agencies of offenders assigned to their jurisdiction who failed to submit the annual verification form. These agencies then verify the whereabouts of the offender, and report back to the Division. The Division further responded that, when the Division is notified that an offender's whereabouts are unknown and a warrant for arrest has been issued, the SOR and the website are updated to reflect this information.)

## Operation of Toll-Free 800 Telephone Number

The Division is required to operate a toll-free telephone number that the public can call to find out if someone is required to register, or is already on the SOR. A toll-free number (800-262-3257) was created by the Division and operates 24 hours a day, 7 days a week. In addition, the Division has written procedures, including specific scripts for operators to use in responding to telephone calls from the public. Operators provide the caller with their badge number and not their name for identification purposes. Offender information provided by an operator is limited based on the risk level assigned to the offender.

We placed 17 telephone calls to the toll-free number between September 25, 2006 and October 11, 2006. We inquired about three Level 3 offenders, four Level 2 offenders, six Level 1 offenders, two offenders with pending risk levels, one known non-sex offender, and one inquiry for moving to a general area without providing specific sex offender information. All 17 calls were responded to correctly by operators, including referring us to the Division's website subdirectory for additional information.

However, we found the Division does not monitor operators' responses to telephone inquiries. For example, the calls are not taped for quality assurance purposes. Also, while Division officials stated that each telephone operator received training on responding to requests, they could not supply any written documentation to verify this. We recommend that the Division evaluate taping calls as a quality control step and that each operator's training be documented.

Division officials responded that the Division's Internal Audit Unit periodically

conducts audits of the operators to ensure compliance. However, periodic audits should not be used to replace ongoing monitoring by Division management of its operations. They agreed to document that training is provided to each operator.

### Level 2 and 3 Subdirectory

The Act states the Division must maintain a subdirectory of Level 2 and 3 offenders. The subdirectory is a subset of SOR and must have offender listings categorized by county and zip code, and a copy must be distributed annually to the offices of local village, town, city, county, or State law enforcement agencies for purposes of public access. The subdirectory must be updated periodically to maintain its efficiency and usefulness and shall be available at all times on the Division's internet homepage.

We found that the Division makes this subdirectory available to the public on its website and the subdirectory contains the information required by law. The Division also provides law enforcement agencies and criminal justice agencies with access to subdirectory information through the Sex Offender Management Suite program included in eJusticeNY.

### Establishment of a Public Awareness Campaign

The Act requires the Division to establish a public awareness campaign to advise the public of the provisions of the Act. While the Act establishes this responsibility, it provides no rules, regulations, guidance, or standards for the Division to follow. The specifics of the public awareness campaign are left to the Division's discretion. Division officials believe that they achieved their goal because the general public is aware of its website and toll-free number. They claim the

effectiveness of the public awareness campaign is measured by closely monitoring usage of the website and toll-free number. However, it has no formal plan for publicizing its website and toll-free number.

The Division's publishing of the Act is limited to featuring this information in press releases and handing out brochures at county fairs, the New York State Fair, and New York State Thruway Authority travel plazas. However, the Division discontinued the brochures in 2005 due to a change in legislation. They advised none were distributed in 2006. In addition, the Division does not monitor and document the distribution of its printed materials.

We believe the Division could enhance its public awareness campaign by placing informational signage on public transportation, for example, buses and railways. We contacted five New York State public transportation authorities located in different geographical areas and three said they would be receptive to using public notices about the Act. This is an opportunity for expanding public awareness that the Division should explore.

Division officials stated that they have met their responsibilities for a public awareness campaign because most sex offender information is available on their website and any member of the public can access it either on their home computer or at a public library. Division officials further said they track and monitor both the number of times someone enters the website and the number of searches conducted, with 9 million searches recorded in 2005, more than 3 times the 2.9 million searches done in 2004. The Division's toll-free number handled 14,060 calls (99,920 searches) in 2005, more than double the 6,829 calls (38,401 searches) received in 2004.

We accept that the Division has met the intent of the Act regarding public awareness. However, we believe the Division should identify other activities to further reach the public.

(Division officials replied to our draft audit report that they have developed a comprehensive public awareness campaign for the sex offender registry. This will include developing partnerships with organizations such as the New York State School Board Association who are best positioned to reach vulnerable populations; public service announcements on radio and television; and updated brochures and posters for distribution to libraries, schools, and not-for-profit organizations.)

Auditor's Comments: We are pleased that Division officials have decided to expand their activities to increase public awareness.

#### \$10 Change of Address Fee

The change of address form is required to be completed no later than ten days after offenders change their address. The Act requires that a \$10 fee be submitted by the offender when registering a change of address. However, the Act also states that the Division is required to accept the change of address form whether the fee is paid or not and there is no penalty for nonpayment.

As of July 20, 2006 there were 23,456 sex offenders listed on the SOR. According to Division officials, sex offenders move frequently. However, according to Division records, the Division collected only \$160 in change of address processing fees for the period April 1, 2003 through March 31, 2006. By comparison, if each of the sex offenders registered on the SOR moved once during the three-year period from 2004 to 2006 and submitted the \$10 fee for a change of address

form, the Division would have collected \$234,560. Accordingly, we conclude that there is a very high probability that many sex offenders are not submitting the \$10 fee along with their change of address forms.

When we followed up on our observations with Division officials, they explained that they do not notify sex offenders of the requirement to submit a \$10 processing fee along with the change of address form. They further explained that they were concerned that sex offenders might misconstrue that the change of address would not be processed without the \$10 fee and would therefore, not file the required form. We believe that the Division has an obligation under the Act to communicate clearly to sex offenders that they are mandated to report changes of address and that the \$10 fee is required with each change of address form, but the form will be processed regardless of whether the remittance is made.

#### Responding to Camp Operator Inquiries

Due to a change in the Act effective August 18, 2005, the Division must, upon the request of any children's camp operator, release any information in the SOR relating to a prospective employee. The Division must also promulgate rules and regulations relating to procedures for the release of information in the SOR to such persons.

We found that the Division has a process to respond to all inquiries, but not specifically for camp operators. Since there are no procedures in place for inquiries from camp operators, the Division does not keep records distinguishing requests from camps. Therefore, the Division cannot readily show it is complying with the law.

We tested the process used by the Division's Victim Services Unit (Unit) to respond to all inquiries to determine whether the Division meets its responsibilities for responding to camp operators' requests. We selected the month of June 2006 because most camps hire staff around this time of year and often make requests for SOR information at this time. We counted a total of 943 camp operator requests that were responded to by the Unit in June 2006. We then selected 50 requests to further review.

We found the average response time for these requests was 3.58 days. Twenty-eight of the requests sampled (56 percent) were responded to within 3 days and 44 (88 percent) within 5 days. There were 3,053 names within the 50 requests sampled and the Unit was able to verify 3,011 of them. The remaining 42 names could not be verified because the camp operators had not supplied enough information to identify the individual, such as a date of birth, social security number, or address.

Division officials said that all searches and inquiries are responded to using the same process regardless of whether it is a camp operator or not because the Unit can not readily identify and differentiate camp requests from other requests. Division officials further responded that they were responding to phone and fax requests from camps, organizations, employers, and the general public before the Act was amended in 2005 for camp operators. However, the Act is very specific regarding requests from camp operators. We therefore recommend that the Division keep separately identifiable records for camp operators requests. This could be as simple as stamping camp operators requests as such and noting the data request is fulfilled.

## Notification to Offenders of Continuing Duty to Register

On January 18, 2006, the Act was amended requiring the Division to notify each offender whose term of registration and verification would otherwise have expired prior to March 31, 2007, of their continuing duty to register and verify their location. We determined that Division officials complied with this requirement and sent a letter on January 31, 2006 and on February 2, 2006, to all registered offenders stating that the registration period is extended based on the new law. Division officials provided the mass mailing receipt for these dates.

### Recommendations

1. Implement procedures to maintain accuracy of driver's license information on the SOR. Use information available in DMV's records for this purpose.
2. Ensure that all information required by the Act is included in each offender's record.
3. Perform periodic electronic file matches between offenders released from incarceration and the SOR to ensure that all offenders are registered.
4. Update the disaster recovery plan and document test results.
5. Develop and implement a strategy to work with local law enforcement agencies to determine the address of offenders who do not submit annual verification forms.
6. Disclose on the SOR and on the website cases where offenders' addresses have not been verified so that users are not misled. Such disclosure should indicate

the time period for which the verification has not been obtained.

7. Evaluate the use of taping calls as a quality assurance measure.
8. Document training activities for telephone operators.
9. Expand efforts to increase public awareness about the provisions of the Act.
10. Disclose the offender's responsibility to pay the \$10 fee for each change of address on the change of address form.

(Division officials responded to our draft report that they will continue to be concerned that stating the fee of \$10 on the form will deter certain offenders from providing the information to maintain the accuracy of the addresses on the Registry. They added that they will propose legislation to eliminate the \$10 fee.)

11. Document and monitor camp operator inquiries and results.

### AUDIT SCOPE AND METHODOLOGY

We conducted our performance audit in accordance with generally accepted government auditing standards. We audited the Division's administration of its responsibilities for the Act for the period January 1, 2004 through November 30, 2006. To accomplish our objective, we met with Division officials to confirm and enhance our understanding of their requirements under the Act and used auditing software to analyze the SOR database.

Our sample methodology was to stratify the 23,456 offenders by risk level resulting in 819

offenders with risk levels pending: 8,226 Level 1 offenders, 8,633 Level 2 offenders, and 5,778 Level 3 offenders. We randomly selected 25 offenders in each risk level. We judgmentally selected 50 of the 5,778 Level 3 offender records by selecting every tenth record beginning with the first record in chronological order; only 50 out of the 500 oldest files were selected. We also judgmentally sampled 50 files by randomly pulling 2 offender files from each letter of the alphabet, except for the letters "X" and "Z" (pulling 1 file for each of these 2 letters), for a total sample of 200 records to test the completeness and accuracy of the information contained on SOR as of July 20, 2006, which is the date of the subdirectory file provided by the Division. We also randomly selected a sample of 50 out of 342 annual verification notices mailed on July 12, 2006 to determine whether the Division complied with the SOR and its policies and procedures. The date of the mailing was selected because it was the most recent mailing which would allow sufficient time for the offender to respond and the Division to do any follow-up work. In addition, we judgmentally selected 50 of the 14,411 offenders from the SOR subdirectory file we were provided dated July 20, 2006 to compare with the NSOPR.

We reviewed the Division's laws, policies, procedures, and website. We interviewed officials from the Division of Parole, Division of Probation and Correctional Alternatives, Department of Correctional Services, selected local law enforcement agencies, and selected public transportation authorities to determine the awareness and availability of sex offender registry information. We also called the Division's 800 SOR telephone number to test the information provided by operators to the public and reviewed the Division's ten press releases it issued between March 2004 and July 2006 that detailed changes to the Act.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. In addition, the Comptroller appoints members to certain boards, commissions and public authorities, some of whom have minority voting rights. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our opinion, these functions do not affect our ability to conduct independent audits of program performance.

#### **AUTHORITY**

The audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

#### **REPORTING REQUIREMENTS**

A draft copy of this report was provided to Division officials for their review and comment. Their comments were considered in preparing this final report, and are included as Appendix A.

Within 90 days of the final release of this report, as required by Section 170 of the Executive Law, the Commissioner of the Division of Criminal Justice Services shall report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons therefor.

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## **CONTRIBUTORS TO THE REPORT**

Major contributors to this report include Carmen Maldonado, Robert Mehrhoff, Allen Cohen, Deb Spaulding, Andrew Davis, Bruce

Brimmer, Raymond Barnes, Ryan Shipley, and Sue Gold.

## APPENDIX A - AUDITEE RESPONSE



STATE OF NEW YORK  
DIVISION OF CRIMINAL JUSTICE SERVICES  
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Albany, New York 12203-3764  
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ELIOT SPITZER  
GOVERNOR

DENISE E. O'DONNELL  
COMMISSIONER

August 14, 2007

Ms. Carmen Maldonado  
New York State  
Office of the State Comptroller  
110 State Street  
Albany, NY 12236

Dear Ms. Maldonado:

Thank you for the opportunity to respond to the findings and recommendations resulting from your recent audit of the sex offender registry within the Division of Criminal Justice Services.

The Division plays an important role in protecting the public and increasing public awareness about sex offenders. This role was recently expanded with the enactment of the Sex Offender Management and Treatment Act in April 2007. The Act created a new Office of Sex Offender Management within the Division. The new Office is charged with advising the Governor and Legislature on the most effective ways to manage sex offenders. The Office will coordinate interagency initiatives and establish standards for sex offender supervision and management.

For ease of review, we have responded to the recommendations in the same order they appear in your report. Responses to the findings and recommendations are as follows:

**1. Implement procedures to maintain accuracy of drivers' license information on the SOR. Use information available in DMV's records for this purpose.**

The Division concurs with this recommendation. We recently conducted an electronic data match between the drivers' license information maintained on the Sex Offender Registry data files and the drivers' license information maintained by the Department of Motor Vehicle (DMV) files. This match was conducted to obtain the most accurate information available for SOR records. In the future, drivers' license information provided to the Registry will be compared against DMV records at the time of registration to ensure accuracy.

\*  
Note

*An Equal Opportunity/Affirmative Action Employer*

\* We have revised the report to reflect information in the Division officials' response.

Ms. Carmen Maldonado  
New York State  
Office of the State Comptroller  
August 14, 2007  
Page 2

**2. Ensure that all information required by the Act is included in each offender's record.**

The Division concurs with this recommendation. SOR registration forms are received from numerous law enforcement agencies and are not always complete. When incomplete forms are received, SOR staff immediately contact contributors to obtain all required information, so that offenders are registered as quickly as possible.

**3. Periodically do an electronic file match between offenders released from incarceration and the SOR to ensure that all offenders are registered.**

The Division concurs with this recommendation.

**4. Update the disaster recovery plan and document test results.**

The Division concurs with this recommendation. Disaster recovery is a top priority for DCJS, and we are moving quickly to strengthen our plan. By the end of 3<sup>rd</sup> Quarter 2007, a consultant will be retained to recommend an approach for how DCJS will recover and restore critical functions after a disaster or extended disruption. At the same time, DCJS has a technology effort underway to ensure that critical agency applications remain available, and critical information such as sex offender data is accessible to law enforcement and the public at all times.

**5. Develop and implement a strategy to work with local law enforcement agencies to determine the address of offenders who do not submit annual verification forms.**

The Division concurs with this recommendation. A strategy was recently developed and implemented which calls for local law enforcement agencies to investigate the address of offenders who failed to submit an annual verification form to the Sex Offender Registry. DCJS is using eJusticeNY, the secure law enforcement website, to notify local agencies of offenders assigned to their jurisdiction who failed to submit the annual verification form. These agencies then seek to verify the whereabouts of the offender, and report back to DCJS on actions taken.

\*  
**Note**

\* We have revised the report to reflect information in the Division officials' response.

Ms. Carmen Maldonado  
New York State  
Office of the State Comptroller  
August 14, 2007  
Page 3

**6. Disclose on the SOR and on the website cases where offenders' addresses have not been verified so that users are not misled. Such disclosure should indicate the time period for which the verification has not been obtained.**

Several actions are underway or have been implemented to ensure that the public is provided the most accurate information available on sex offenders' addresses. When local law enforcement agencies advise DCJS that a sex offender's whereabouts are unknown and a warrant for his or her arrest has been issued, the sex offender registry, and the corresponding website information, are updated to reflect this information. In addition, DCJS is adding a new feature on the website to spotlight offenders whose whereabouts are unknown. When an offender's address is verified by other means such as a law enforcement contact at the residence, we are adding a field to the system which indicates that the address has "been verified by other means" and the date of the verification. Finally, as part of an ongoing technology project to develop a new sex offender case management system, the Division will consider adding additional information to the website, such as disclosure of the time period for which verification has not been obtained.

**7. Evaluate the use of taping calls as a quality assurance measure.**

The Division concurs with this recommendation, and will evaluate the use of taping calls as a quality assurance measure.

**8. Document training activities for telephone operators.**

The Division concurs with this recommendation. All telephone operators who attend training are now required to sign an attendance sheet. Additionally a written record of the material that is covered during the training is maintained.

**9. Expand efforts to increase public awareness about the provisions of the Act.**

The Division concurs with this recommendation, and has developed a comprehensive public awareness campaign for the sex offender registry. The Division plans to:

- Develop strategic partnerships with organizations who are best positioned to reach vulnerable populations, such as the New York State School Boards Association and the School Administrators Association of New York State;
- Arrange for public service announcements on radio and television;

\*  
**Note**

\* We have revised the report to reflect information in the Division officials' response.

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Ms. Carmen Maldonado  
New York State  
Office of the State Comptroller  
August 14, 2007  
Page 4

- Develop updated brochures and posters for distribution to libraries, schools, and not-for-profit organizations;
- Establish a new web link to the Office of Sex Offender Management, with a direct link to the registry; and
- Prepare quarterly press releases coinciding with specific holidays or seasons – i.e. Halloween, summer vacation, etc. – that highlight the registry and how to access information on sex offenders.

**10. Disclose the offender's responsibility to pay the \$10 fee for each change of address on the change of address form.**

The Division continues to be concerned that stating on the change of address form that the sex offender should submit \$10 will deter certain sex offenders from providing an updated address or delay the sending of the form to the Division. Given the importance of maintaining accurate addresses on the Registry, the Division will propose legislation to amend the Sex Offender Registration Act and eliminate the \$10 fee.

**11. Document and monitor camp operator inquiries and results.**

The Division concurs with this recommendation. All requests received are date stamped upon receipt. In addition, upon completion, the date the request was completed is noted, and the initials of the person who processed the request are filled in.

Thanks again for the opportunity to respond to the audit.

Sincerely,



Denise E. O'Donnell