November 27, 2007

To: College Presidents

From: Frederick P. Schaffer

Re: Changes to Laws Regarding Dissemination of Information About Convicted Sex Offenders on Campus

Attached is an update to my August 9, 2004, memo regarding The Campus Sex Crimes Prevention Act, The Clery Act and CUNY’s obligations regarding collection and dissemination of information concerning crimes committed on CUNY campuses and property. The New York Sex Offender Registration Act, which established the registered sex offender (“RSO”) registration program, was recently updated. Below, I have briefly summarized major changes in the law, as they apply to CUNY.

As before, the New York State Division of Criminal Justice Services (“Division”) is required to notify the director of public safety of a college of the presence of an RSO on campus along with certain identifying information. Upon receipt of such information from the Division, it is at the college’s discretion to disseminate information to the campus community about the RSO. However, if the college chooses to disclose information about the RSO, it must do so in accordance with the New York Sex Offender Registration Act.

For a Level 1 (low risk) RSO, the college may now disseminate certain relevant information about the RSO to the campus community. There are no requirements as to what information the college is required to include.

For a Level 2 (moderate risk) RSO, the college retains its discretionary power to disseminate information about the RSO. However, if the college chooses to disseminate information about a Level 2 RSO, the information must include, at least, a photograph and description of the RSO.

For a Level 3 (high risk) RSO, the same requirements as for dissemination of a Level 2 RSO apply. Additionally, the college may also disseminate the full exact address of the RSO and the address of the RSO’s employer.

We are working with the State Division of Parole Services to obtain timely notice of applications for admission from sex offenders. As indicated in my email to you dated November 13, 2007, each college has the right to deny admission to any applicant if the college concludes, after an individualized determination, that the presence of the applicant on campus poses an undue risk to the safety or security of the college or the college community.
November 27, 2007

To: College Presidents

From: Frederick P. Schaffer

Re: Receipt and Dissemination of Information About Convicted Sex Offenders On Campus: The Campus Sex Crimes Prevention Act & Reporting of Crimes Occurring On Campus – The Clery Act

This memorandum discusses certain sex crimes committed by members of the campus community (including employees and students) and updates a previous advisory memorandum discussing federal laws concerning crimes committed on or at property controlled by The City University of New York (“CUNY”).¹ CUNY has obligations regarding the collection and/or dissemination of both types of information.

Two federal statutes set forth these obligations: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”),² and the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program (“Wetterling Act”),³ as amended by The Campus Sex Crimes Prevention Act (“CSCP Act”).⁴ While these statutes, at least in part, have been in force for some time and each college has instituted compliance mechanisms, Congress has amended both, especially with respect to the dissemination of information about “registered sex offenders” (“RSOs”). Accordingly, in this memo I outline all of the crime reporting requirements.

In brief, each college’s public safety department has principal responsibility for compliance with the Clery Act, which generally requires each college to collect and disseminate information about crimes committed on campus or campus-related property (see Item II.D. through II.F. below). Typically, the college’s public safety department does this by maintaining a “crime log” of crimes reported to it (either by a victim or the police), which must be available for inspection in its offices, by creating an annual Campus Security Report, which compiles campus crime statistics, and distributing the report to each member of the campus community and the U.S. Department of Education. Similarly, each college’s public safety department is principally responsible for compliance with the CSCP Act: receiving, retaining, and, where appropriate,

¹ This memorandum supersedes Administrative Advisory Memorandum dated August 9, 2004.
² 20 U.S.C. §1092(f). This law applies to colleges and universities that receive certain types of federal financial assistance, including CUNY.
³ 42 U.S.C. §14071
⁴ Id. §14071(j)
disseminating information about registered sex offenders ("RSOs") on campus, as more specifically explained in Item I below.

I. THE CAMPUS SEX CRIMES PREVENTION ACT (the "CSCP Act")

The CSCP Act consists of amendments of three (pre-existing) federal laws: (1) the Wetterling Act; (2) the Clery Act; and (3) the Family Educational Rights and Privacy Act ("FERPA"). In brief, the Wetterling Act requires states to collect and disseminate information about individuals who have been convicted of either a crime against a child or a sexually violent crime. The Clery Act requires schools/universities to collect and disseminate information about crimes committed on the college campus or campus related property. FERPA proscribes the disclosure of student information that is personally identifiable, non-directory student information.

A. The CSCP Act Amendment of The Wetterling Act

The essential purpose of the Wetterling Act is to make available to relevant communities the information that an offender convicted of either a crime against a child or a sexually violent crime is present in the community. Thus, since 1999, the Wetterling Act has required a person who has been convicted of such a crime to register ("registered sex offender" or "RSO") certain information about her/himself (including, but not limited to, a current address and any change of address) with the designated state law enforcement agency of the state in which she resides. When first enacted, the Wetterling Act did not require RSOs to include as part of their registration information the names of colleges and/or universities with which they were associated. The CSCP Act amendment of the Wetterling Act changed that.

Now, each RSO must register the name and address of every institution of higher education at which she is employed or carrying on a vocation (full or part-time, with or without pay) or at which she is a student, resident, or volunteer, in addition to all the other information already required to be registered. The requirements of the Wetterling Act as amended by the CSCP Act are discussed in greater detail below in question and answer format.

1. Who Must Register With The State?

The Wetterling Act requires that

(A) a person who is convicted of a criminal offense against a victim who is a minor or who is convicted of a sexually violent offense; and

5 42 U.S.C. §14071
6 20 U.S.C. §1092(f)
7 20 U.S.C. §1232g
8 An RSO must provide certain information. An RSO who has also been adjudicated a "sexually violent predator," as defined in Section 14071(a)(3)(C) of Title 42 of the United States Code, must register more extensive information. 42 U.S.C. §14071(b)(1)(B).
9 42 U.S.C. §14071(a)(1), (a)(3)(B)(4). In New York State, the designated agency is the New York State Division of Criminal Justice Services, discussed in detail in Item I.A.3. below.
10 Id. §14071(j)
(B) a person who is a sexually violent predator\textsuperscript{11}

Must register with the designated state law enforcement agency of the state in which s/he resides, in accordance with that state’s registration program.\textsuperscript{12}

Colleges have no obligation to request or collect information from their employees or students about sexual offenses that those persons may have committed. Colleges also have no obligation to request information from the state about RSOs on campus.\textsuperscript{13}

2. What Crimes Qualify As Offenses That Require Offenders To Register Information Concerning Their Institutions of Higher Education?

Under the CSCP Act, an offender must register with the state information about her/his institution of higher education if s/he has been convicted of any criminal offense in a range of offenses specified by State law which is comparable to or which exceeds the following range of offenses:

(a) kidnapping of a minor, except by a parent;
(b) false imprisonment of a minor, except by a parent;
(c) criminal sexual conduct toward a minor;
(d) solicitation of a minor to engage in sexual conduct;
(e) use of a minor in a sexual performance;
(f) solicitation of a minor to practice prostitution;
(g) any conduct that by its nature is a sexual offense against a minor; or
(h) an attempt to commit an offense described (above), if the State

(i) makes such an attempt a criminal offense; and
(ii) chooses to include such an offense in those which are criminal offenses against a victim who is a minor for the purposes of this section.\textsuperscript{14}

In addition, an offender must register information about her/his institution of higher education if s/he has been convicted of a “sexually violent offense,” which means

any criminal offense in a range of offenses specified by State law which is comparable to or which exceeds the range of offenses encompassed by aggravated sexual abuse or sexual abuse (as defined in federal or state law) or an offense that has as its elements engaging in physical contact with another person with intent to commit aggravated sexual abuse or sexual abuse (as defined in federal or state law).\textsuperscript{15}

\textsuperscript{11} The determination whether a person is a sexually violent predator is made by the sentencing court after considering the report and recommendation of a panel of experts in the field of behavior and treatment of sexual offenders. Id. §14071(a)(2).
\textsuperscript{12} Id. §14071(a)(1).
\textsuperscript{13} Id. §14071(j)(3).
\textsuperscript{14} 42 U.S.C. §14071(j)(3)(A).
\textsuperscript{15} Id. §14071(j)(3)(B). The New York Sex Offender Registration Act, see generally Item I.A.\# below, specifically enumerates the registrable crimes. I attach a list of those crimes as Exhibit A.
3. **What Is New York State’s Registration Process And How Does It Operate?**

The Wetterling Act requires each state to establish a registration program with certain minimum standards, but permits each state to establish stricter standards in accordance with its own pre-existing or new state laws and procedures.\(^\text{16}\)

In New York (the “State”), the Sex Offender Registration Act (the “N.Y. Registration Act”),\(^\text{17}\) established the RSO registration program and its requirements.\(^\text{18}\) The New York State Division of Criminal Justice Services (the “Division”) is the designated law enforcement agency for New York State. The Division established and maintains the State RSO registry.\(^\text{19}\) Under the N.Y. Registration Act, an RSO must register information about her/his college/university if the RSO is an employee, volunteer, student, or resident of such institution.

Once an RSO registers, the State enters his/her information into the appropriate State records or data system.\(^\text{20}\) The information that the State collects about RSOs may be disclosed “for any purpose permitted under the laws of the State,”\(^\text{21}\) and shall be disclosed if “necessary to protect the public concerning a specific person required to register.”\(^\text{22}\) The identity of the victim of the offense leading to the registration requirement may not be disclosed.\(^\text{23}\)

The N.Y. Registration Act establishes a “board of examiners of sex offender” which determines whether, in its view, an offender presents a Level 1, 2, or 3 risk (Level 3 being the highest) of committing a repeat sexual offense.\(^\text{24}\) Ultimately, the sentencing court assigns the risk level after receiving the board’s recommendation.\(^\text{25}\) The offender’s assigned risk level determines the extent to which the Division may or must disclose information about the offender to a “law enforcement agency having jurisdiction” over the offender and to the public.\(^\text{26}\) The higher the risk level the more extensive the permissible disclosures.

In New York, the Division reports the presence of an RSO on a CUNY campus to:

1. the New York City Police Department Sex Crimes Monitoring Unit (the “NYPD”);
2. the director of public safety at the CUNY college that the RSO attends or works, volunteers, or resides at; and

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\(^{10}\) Id. §14701(a)(1).

\(^{17}\) N.Y. Corr. Law §§168 through 168-w. This law is the New York version of the New Jersey sex offender registration law that became popularly known as “Megan’s Law.”

\(^{18}\) For definitions of the terms “sex offender,” “sex offense,” “sexually violent offense,” “law enforcement agency having jurisdiction,” see N.Y. Corr. Law §168-a (copy attached as Exhibit B).

\(^{19}\) N.Y. Corr. Law §168-b.


\(^{21}\) Id. §14701(e)(1).

\(^{22}\) Id. §14701(e)(2).

\(^{23}\) Id.

\(^{24}\) N.Y. Corr. Law §168-l.

\(^{25}\) Id. §168-n.2.

\(^{26}\) Id. §168-l; see id. §168-a.
(3) the chief law enforcement officer of the jurisdiction in which the RSO resides.\textsuperscript{27}

**Level 1:** If the RSO is a Level 1 risk (low), the Division must notify the director of public safety at the RSO’s college, the city law enforcement agency for the RSO’s college, and the law enforcement agency in whose jurisdiction the RSO resides, of the RSO’s presence on campus and of certain other identifying formation about the RSO. In turn, the college public safety office and/or the law enforcement agency “\textit{may} disseminate relevant information”\textsuperscript{28} about the RSO to “any entity with vulnerable populations related to the nature of the offense committed by such sex offender.”\textsuperscript{29} Although the statute does not define the term “vulnerable populations related to the nature of the offense,” it seems self-evident that CUNY communities were intended to be covered in this category.

Upon receiving notice of the presence of or information about a Level 1 RSO on campus, the college \textit{may}, but is not required to, disseminate certain information it has received about that RSO. If the college elects to disseminate information it \textit{may}, but is not required to, include any or all of the following information:

a. a photograph of the RSO;
b. a description of the RSO;
c. the RSO’s name;
d. the RSO’s residence zip code;
e. background information (such as the crime committed, mode of operation, type of victim targeted);
f. any special conditions the judicial or penal system has imposed upon the RSO; and
g. the name and address of any institution of higher education at which the RSO is employed or enrolled, attends, resides, or volunteers.\textsuperscript{30}

**Level 2:** If the RSO is a Level 2 risk (moderate), the college public safety office and/or the law enforcement agency “\textit{may} disseminate relevant information”\textsuperscript{31} about the RSO following the same procedures as outlined for a Level 1 RSO. However, if the college elects to disseminate information about a Level 2 RSO, that information \textit{must} include, at least, a photograph and description of the RSO and \textit{may} also include Items c. – g. above.\textsuperscript{32}

**Level 3:** The procedures for a Level 3 RSO are similar to those for a Level 2 RSO. Thus, if a college elects to disseminate information about a Level 3 RSO, it \textit{must} include a photograph and description of the RSO.\textsuperscript{33} The only difference between the procedure for a Level 2 RSO and a

\textsuperscript{27} See id. The N.Y. Registration Act requires notice also to the chief law enforcement officer of the county that had jurisdiction over the RSO at the time of the RSO’s conviction. I attach a sample of the notice that the Division sends out to the college as Exhibit C.

\textsuperscript{28} Id. §168-1.6(a) (emphasis added).

\textsuperscript{29} Id.

\textsuperscript{30} Id.

\textsuperscript{31} Id. §168-1.6(b) (emphasis added).

\textsuperscript{32} Id.

\textsuperscript{33} Id. §168-1.6(c).
Level 3 RSO is that in the case of a Level 3 RSO, the information that may be disseminated includes the RSO’s full exact address (as compared to only the zip code) and the address of the RSO’s employer, in addition to Items c. – g. listed above.  

Because dissemination of information is discretionary and should be geared to the risk the particular RSO presents, we recommend that college security directors consult with their respective Presidents, Vice Presidents of Administration, Chief Student Affairs Officers when appropriate, Personnel Directors when appropriate, and William Barry, University Director of Public Safety – 212-541-0407 – or John McKee, Deputy University Director of Public Safety – 212-541-0413 – in order to make these decisions when a notice is received. Over time, a useful model may be developed based on the experiences of the campuses which it may be useful to disseminate.

In addition, when a campus receives notice that a current employee is an RSO, the Personnel Director and other appropriate officials should consult with the University Office of Faculty and Staff Relations to determine appropriate next steps, including reviewing the employee’s application for employment.

The college may also receive a notice indicated that “[a] preliminary injunction has been issued which prohibits you from releasing any information about the offender to the public.” The class action suit in the Southern District of New York that led to this injunction was recently settled, providing that offenders covered by the injunction will receive impartial hearings to determine their risk level. If you receive a notice of this kind, please contact General Counsel Rick Schaffer or Deputy General Counsel Jane Sovern to assist you.

The public has four ways to obtain information about RSOs in New York.

First, with respect to Level 2 and Level 3 RSOs, the public can access the Division’s online subdirectory of Level 2 and 3 offenders which reside within the Division’s RSO registry. The subdirectory can be found online at:

http://criminaljustice.state.ny.us/nsor/search_index.htm

The site lists the names of and provides information about Level 2 and 3 RSOs only.

Second, with respect to Level 2 and Level 3 RSOs, the public may obtain information about a Level 2 or 3 offender through the college’s public safety department or law enforcement agency where the RSO resides, by inspecting in person the list of Level 2 and 3 offenders that those

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34 Id.
35 As noted above, the N.Y. Registration Act is concerned with giving advance information (in order to be preventative) to “vulnerable populations related to the nature of the offence.” Id. § 168-1.6(b). Thus, for example, if the offense involved a young child and the RSO’s campus has a day care center, the imperative for disclosure might be more compelling than if the campus does not have such a facility.
36 Id. §168-q. The subdirectory includes the exact address, address of the offender’s place of employment and photograph of the offender along with, if available, the offender’s name, physical description, age and distinctive markings. The offender’s crime of conviction, mode of operation, type of victim targeted, and the name and address of a higher education institution where the offender is enrolled, attends or is employed is also included.
37 Id. §168-q.1.
agencies receive from the Division in either paper or electronic ("E-Justice Program") form, and are required to maintain. The list is available to the NYPD and the public safety departments of CUNY.

Third, the public may call the Division’s Sex Offender Registry telephone number to find out whether an individual is listed in the Division’s RSO registry, his/her offender level, and the disclosable information about him/her depending on his/her risk level, as explained above. The telephone number is 800-262-3257 and is accessible 24 hours per day, seven days a week. A caller is required to identify the RSO (e.g., exact street address and apartment number; date of birth; driver license; social security number) before the registry will confirm registration and disclose risk level and other information.

Fourth, the local law enforcement agency where the RSO resides and the public safety department of his/her college may, if they choose to, disclose information about a Level 1, 2, or 3 RSO in accordance with the prescriptions described above. The college public safety department must maintain a list of all reported RSOs (and will have a “list” at least in the form of a compilation of the notices it receives from the Division).

In order to obtain information from the “800” telephone number, website, or subdirectory, an inquirer must provide her/his name and address and, with respect to the “800” telephone number, the caller’s telephone number will be recorded.

B. The CSCP Act Amendment Of FERPA

The CSCP Act also amended FERPA to provide that FERPA does not prevent educational institutions from disclosing information concerning the RSO (including personally identifiable, non-directory information) collected under the Clery Act and the CSCP Act and information otherwise made available under state sex offender registration and community notification programs. The RSO’s consent is not required.

C. The CSCP Act Amendment Of The Clery Act

In addition to addressing the issue of RSOs on campus, the CSCP Act has added to colleges’ required Clery Act disclosures. (The Clery Act is reviewed in full in Item II below.) In their annual Campus Security Reports, colleges must provide information on where and how a person may obtain RSO information.

Each college must include in its annual Campus Security Report the following statements:

38 Id. §168-1.6(b) & (c).
39 Id. §168-p.
40 The main telephone number of the Division’s Sex Offender Unit in Albany is 518-457-3167. It is not a number at which a caller is able to receive information about a particular offender. That must be done through the “800” number as discussed above.
41 Id. This personal information about the inquirer is maintained confidentially.
The New York State Division of Criminal Justice Services maintains a registry of convicted sex offenders which is available to local law enforcement agencies, including CUNY’s public safety departments. To obtain information about a Level 1, Level 2, or Level 3 registered sex offender you may:

(i) contact the police department in the jurisdiction in which the offender resides and/or in which the college is located; or
(ii) contact [insert the name and title of the college’s director of public safety or designated public safety officer] at [fill in the telephone number of the college’s director of public safety or designated public safety officer].

To obtain information about Level 2 and Level 3 offenders only, you may:

(i) call the Division’s sex offender registry at: 800-262-3257
(ii) contact the Division’s sex offender registry web site at: http://criminaljustice.state.ny.us/nsor/search_index.htm
(iii) access the Division’s Level 2 and 3 RSO subdirectory electronically at the college’s public safety department or the local law enforcement agency for the jurisdiction in which the offender resides.

II. THE JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT (the “Clery Act”)

A. Introduction

The Clery Act’s principal goal is for colleges and universities to provide information about (1) crimes committed on their campuses and (2) their campus security policies and procedures to members of their campus communities.\(^{44}\) To that end, the Clery Act requires each college to publish annually a campus security report (the “Campus Security Report”) containing statistics that the college has collected about the number and types of crimes that were committed that year on its “campus,” in “non-campus buildings or property,” and “public property” (all as defined in the statute, see Items II.B.6. and II.D. through II.F. below) and to distribute those statistics to students and employees (and, upon request, to prospective students and employees) along with statements of the college’s policies and procedures concerning campus security and crime prevention.\(^{45}\) A more detailed discussion of the law’s requirements follows in question and answer format.\(^{46}\)

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\(^{44}\) Colleges are also required to file an annual report on these subjects with the U.S. Department of Education. See Item II.L. infra.


\(^{46}\) As explained below, in most cases the reporting entity will be the college, meaning its “campus,” its “noncampus buildings or property,” and its “public property,” all as defined in the statute. See Items II.B.6. and II.D. through II.F. infra. But in some cases, such as college with a branch campus, each campus must compile and file its own report. See id. Nonetheless, for ease of reference in this memorandum, I use the term “college” to mean each reporting entity.
B. What Information Must The Annual Security Report Contain?

The Clery Act and its implementing regulations require the Annual Security Report to contain at least the following items:

1. the crime statistics for the most recent calendar year and the two preceding calendar years for which data are available;

2. (a) a statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus, (b) policies concerning the college’s response to crime reports, including

   (i) policies for the college to make “timely warning” reports to members of the campus community regarding the occurrence of Clery Act Crimes;
   (ii) policies for preparing the annual disclosure of crime statistics; and
   (iii) a list of the title of each person or organization to whom students and employees should report the occurrence of a crime for the purposes of making timely warning and preparing the annual statistical disclosure;

3. a statement of current policies concerning security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities;

4. a statement of current policies concerning campus law enforcement, including:

   (a) a statement that addresses the enforcement authority of security personnel (i.e., whether they have authority to arrest), their working relationship with state and local police agencies, and their names and addresses; and
   (b) a statement that encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies; and
   (c) a description of procedures, if any, that encourage pastoral and professional counselors, when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual

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47 "Timely warning" is not defined in the statute or regulations, but it must include enough information to help people protect themselves and must be distributed so that people will find it and not have to hunt for it, e.g., listing on the college security department’s web site, publishing in the student newspaper, mass e-mailing to students and faculty, posting around campus.
disclosure of crime statistics (if no such policy exists, the report should state that fact);

5. a description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others;

6. a description of programs designed to inform students and employees about the prevention of crimes;

7. a statement of policy concerning the monitoring and recording through local police agencies of criminal activity in which students engaged at off-campus locations of student organizations officially recognized the college, including student organizations with off-campus\textsuperscript{48} housing facilities;

8. a statement of policy regarding

(a) the possession, use, and sale of alcoholic beverages and enforcement of state underage drinking laws;
(b) the possession, use, and sale of illegal drugs and enforcement of federal and state drug laws;
(c) a description of any campus drug or alcohol abuse education programs;

9. a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders\textsuperscript{49} may be obtained; and

10. a statement of policy regarding the college's campus sexual assault programs, which shall be aimed at prevention of sex offenses, and the procedure to be followed when a sex offense occurs,\textsuperscript{50} including

(a) a description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and nonforcible sex offenses;
(b) procedures students should follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence, and to whom the offense should be reported;
(c) information on a student's option to notify appropriate law enforcement authorities (including on-campus and local police)

\textsuperscript{48} For the definition of “off-campus” property, see Items II.D. through II.F.

\textsuperscript{49} Under Section 14071(j) of Title 42, United State Code, states are required to collect and disseminate to local law enforcement agencies information about RSOs. See discussion in Item 1 above.

\textsuperscript{50} Id. §§ 1095(f)(1), (8).
and a statement that college personnel will assist the student in doing so at the student’s request;
(d) notification to students of existing on- and off-campus counseling, mental health or other student services for victims of sex crimes;
(e) notice to students that the college will change a victim’s academic and living situations after such an offense and the options available for such changes;
(f) procedures for campus disciplinary action in cases of a sex offense, including a clear statement that:

(i) the accuser and accused are entitled to the same chance to have others present during a disciplinary proceeding;
(ii) both the accuser and accused must be informed of the outcome (meaning only the finding whether the offense occurred or not and what, if any, sanction was imposed);\(^{51}\)
(iii) sanctions the college may impose following the conclusion of a college disciplinary proceeding in cases of sex offenses.

If a college does not have a policy for one of these items, the Annual Security Report must so state.

C. For What Crimes Must Statistics Be Maintained And Reported?

1. Criminal Offenses: If any of the following criminal offenses occurs on campus, in or on a non-campus building or property, or on public property\(^ {52}\) and is reported to campus security authorities or local police agencies, such offense must be counted and reported in the campus crime statistics\(^ {53}\) set forth in the college’s annual Campus Security Report:\(^ {54}\)

   a. Murder;
   b. Sexual offenses, forcible or non-forcible;
   c. Robbery;
   d. Aggravated assault;
   e. Burglary;
   f. Motor Vehicle theft;
   g. Manslaughter;
   h. Arson;\(^ {55}\)

\(^{51}\) The regulations provide that such disclosure does not violate FERPA. 34 C.F.R. §668.46(b)(1)(vii)(B).
\(^{52}\) See definition of these terms in items II.D. – II.F., infra.
\(^{53}\) Thus, it does not matter whether the incident resulted in an arrest or conviction of the alleged perpetrator.
\(^{54}\) For ease of reference these crimes are referred to as the “Clergy Act crimes.”
\(^{55}\) The Clery Act prescribes that colleges must use the definitions of these offenses that the Federal Bureau of Investigation (“FBI”) uses in its Uniform Crime Reporting (“UCR”) System (34 C.F.R. § 668.46 App. A (attached)) and the modifications of such definitions as implemented pursuant to the Hate Crime Statistics Act (28 U.S.C. §534
i. the number of arrests of persons and the number of persons
referred for campus disciplinary action for liquor law violations,
drug-related violations, and weapons possession.\textsuperscript{56}

2. Bias Crimes: If the victim of any crime listed above, or of any other
crime involving bodily injury, was intentionally selected because of the
victim’s perceived or actual race, gender, religion, sexual orientation,
etnicity, or disability, then such crime shall be included and reported in
the general campus crime statistics and reported in the college’s annual
Campus Security Report. Data concerning such crimes directed against
such victims for such reasons shall also be collected and reported
according to category of prejudice.\textsuperscript{57}

D. What Does The Term “Campus” Mean?

For purposes of the Clery Act, the term “campus” means:

any building or property owned or controlled by an institution of higher education
within the same reasonably contiguous geographic area of the institution and used
by the institution in direct support of, or in a manner related to, the institution’s
educational purposes, including residence halls; and

property within the same reasonably contiguous geographic area of the institution
that is owned by the institution but controlled by another person, is used by
students, and supports institutional purposes (such as a food or other retail
vendor).\textsuperscript{58}

E. What Does The Term “Non-Campus Building or Property” Mean?

For purposes of the Clery Act, the term “non-campus building or property” means

any building or property owned or controlled by a student organization
recognized by the institution; and

any building or property (other than a branch campus) owned or controlled by an
institution of higher education that is used in direct support of, or in relation to,
the institution’s educational purposes, is used by students, and is not within the
same reasonably contiguous geographic area of the institution.\textsuperscript{59}

\textsuperscript{56} Id. §1092(f)(1)(F)(I).
\textsuperscript{57} Id. §1092(f)(1)(F)(ii).
\textsuperscript{58} Id. §1092(f)(6)(A)(I).
\textsuperscript{59} Id. §1092(f)(6)(A)(ii).
F. What Does The Term “Public Property” Mean?

For purposes of the Clery Act, the term “public property” means

all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to, the institution’s educational purposes.\(^{60}\)

G. How Do We Treat Branches Or Schools Of A College For Reporting Purposes?

The Clery Act provides that where branch campuses of a college, schools within a college, and administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of the Clery Act.\(^{61}\) Thus, each CUNY “campus,” as defined in the statute and explained in Item II.D. above, must compile its own campus crime statistics. In most cases, the reporting entity will be a college; but in some cases, it will be a branch campus or a school, such as the Brookdale campus of Hunter College.


Yes. The Clery Act requires the college to make and maintain, and inform students and employees of the existence, location, and availability of, a written crime log, in “a form that can be easily understood.” The crime log must record all crimes (not just Clery Act crimes) that are reported to the local police agencies or campus security authorities (as delineated above in the answer to Question B).\(^{62}\) The log must contain the following information:

1. the nature of the offense (e.g., vandalism, motor vehicle theft), case number, if any, date and time reported, date and time occurred (in that order) and general location of each crime; and
2. the disposition of the complaint, if known.\(^{63}\)

The daily crime log for the last 60 days must be open to immediate public inspection upon request, within two business days of the initial report of the incident, unless such inspection is prohibited by law or would jeopardize the confidentiality of the victim.\(^{64}\) If new information about the crime becomes available, it must be added to the log within two business days of the discovery of the new information.\(^{65}\) If there is a request to inspect a portion of the log that is older than 60 days, the college must make that portion of the log available within two business

\(^{60}\) Id. §1092(f)(6)(A)(iii).
\(^{61}\) Id. §1092(f)(6)(B).
\(^{62}\) Id. §1092(f)(4)(A).
\(^{63}\) Id. If a law enforcement authority determines after an investigation that a crime did not occur, the disposition shall be recorded as “unfounded.”
\(^{64}\) Id. §1092(f)(4)(B)(I).
\(^{65}\) Id. §1092(f)(4)(B)(ii).
days of such request. If there is clear and convincing evidence that the release of information in the crime log would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to ensue from the release of such information.\(^66\) The college must retain the logs for three years following the publication of the last Annual Security Report to which the logs apply (i.e., in effect seven years).

I. Are The Names Of The Victims And/Or Persons Accused Reportable?

No. The Clery Act specifically provides that the names of the victims and of the persons accused shall not be collected as part of the information collected and reported in the annual Campus Security Report.\(^67\)

J. When Is The Annual Campus Security Report Due?

The annual Campus Security Report is due on September 1 for the most recent calendar year and the two preceding calendar years. It must be distributed to the campus community (students and employees) by October 1 of each year.

K. Are There Reporting Requirements Other Than The Annual Campus Security Report?

Yes. Each college must “make timely report” to the campus community about all Clery Act crimes and crimes considered to be a threat to other students and employees that are reported to campus security and/or local law enforcement/police agencies. The college must report such crimes to the campus community in a timely enough manner to aid in the prevention of similar occurrences.\(^68\)

Annually, each college must submit the Campus Security Report to the Secretary of the U.S. Department of Education. The Secretary will review the statistics, make copies of them available to the public, and disseminate information about exemplary practices and policies proven effective in the reduction of campus crime.\(^69\)

L. What Are The Consequences Of Failing To Report Or Reporting Erroneously?

If a college does not comply with the Clery Act’s reporting requirements, the Secretary of Education shall report such fact to the “appropriate committees of Congress.” If a college “substantially misrepresents” the number, location, or nature of the crimes required to be reported, the college is subject to a civil penalty imposed by the Secretary of Education.

\(^{66}\) Id. §1092(f)(4)(B)(iii).
\(^{67}\) Id. §1092(f)(7). Personally identifying information may be collected if the college’s policy so provides, but such information shall not be reported in the Annual Security Report.
\(^{68}\) Id. §1092(f)(3). See note 45, supra & accompanying text.
\(^{69}\) Id. §1092(f)(5).
M. How Should A College “Distribute” The Annual Campus Security Report?

The Clery Act requires distribution through “appropriate publications or mailings” to every student and employee and, on request, to prospective students and employees. 70 Thus, the college should include the crime statistics information in the college catalog, student and employee handbooks, and a crime prevention manual or brochure. 71 The College must ensure that the report reaches all students and employees – and be able to prove that delivery was made (e.g., by campus mail and retaining a copy of all address labels).

N. Other Access To The Annual Campus Security Report

Pursuant to a new State law 72 effective July 1, 2004, each campus must state in its campus catalog, student handbook, and viewbook how to obtain the campus crime statistics that the college files annually with the U.S. Department of Education. Every campus catalog, student handbook, and viewbook shall state that:

The Advisory Committee on Campus Safety 73 will provide upon request all campus crime statistics as reported to the United States Department of Education.

The information in the campus catalog, student handbook, and viewbook shall also include (1) the U.S. Department of Education’s web site address for campus crime statistics - which is http://ope.ed.gov/security/main.asp (then input the name of the school) - and (2) a campus telephone number for a designated college campus contact who is authorized to provide such statistics for the college. Typically, this would be the Public Safety Department and/or a named and assigned individual member thereof. Whenever an individual requests campus crime statistics information, the college shall, within 10 days of the request, mail a paper copy of the information to the requesting individual, and such information shall include all of the statistics that the campus is required to compile under the Clery Act. (The easiest way to accomplish this is to send a copy of the college’s most recent Annual Security Report.)

cc: Chancellor’s Cabinet
    Chief Administrative Officers
    Chief Student Affairs Officers
    Chief Security Officers
    Legal Affairs Designees
    Labor Designees
    Personnel Directors
    William Barry, University Director of Public Safety

70 The regulations provide that prospective students and employees must be informed of the existence and availability of the report and a general description of its contents. 34 C.F.R. §668.41(e)(4).
71 Id. §1092(f)(1).
73 Each college has an Advisory Committee on Campus Safety pursuant to Section 6431 of the State Education Law. (Prior to July 1, 2004, this was section number 6450(4).) For a full discussion of this Advisory Committee and the law, see the Student Advisory Memorandum dated March 5, 2004, entitled “State Laws Regarding Advisory Committee on Campus Security and Dissemination of Sexual Assault Prevention Information Including Certification of Compliance.”
New York State Sex Offender Registry
Registerable Offenses
Effective November 1, 2007

The following list contains the New York State Penal Law statutes for which registration as a sex offender is required. Registration as a sex offender is required upon a conviction of a listed offense or a conviction for an attempt to commit a listed offense as a hate crime or a crime of terrorism. Additionally, registration as a sex offender is required upon a conviction of or a conviction for an attempt to commit certain listed offenses as a sexually motivated felony pursuant to Penal Law §130.91.

<table>
<thead>
<tr>
<th>Penal Law Statute</th>
<th>Offense Class</th>
<th>Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>130.20</td>
<td>A Misdemeanor</td>
<td>sexual misconduct</td>
</tr>
<tr>
<td>130.25</td>
<td>E Felony</td>
<td>rape in the third degree</td>
</tr>
<tr>
<td>130.30</td>
<td>D Felony</td>
<td>rape in the second degree</td>
</tr>
<tr>
<td>130.35</td>
<td>B Felony</td>
<td>rape in the first degree</td>
</tr>
<tr>
<td>130.40</td>
<td>E Felony</td>
<td>criminal sexual act in the third degree</td>
</tr>
<tr>
<td>130.40</td>
<td>E Felony</td>
<td>sodomy in the third degree</td>
</tr>
<tr>
<td>130.45</td>
<td>D Felony</td>
<td>criminal sexual act in the second degree</td>
</tr>
<tr>
<td>130.45</td>
<td>D Felony</td>
<td>sodomy in the second degree</td>
</tr>
<tr>
<td>130.50</td>
<td>B Felony</td>
<td>criminal sexual act in the first degree</td>
</tr>
<tr>
<td>130.50</td>
<td>B Felony</td>
<td>sodomy in the first degree</td>
</tr>
<tr>
<td>130.52(^1)</td>
<td>A Misdemeanor</td>
<td>forcible touching</td>
</tr>
<tr>
<td>130.53</td>
<td>E Felony</td>
<td>persistent sexual abuse</td>
</tr>
<tr>
<td>130.55(^1)</td>
<td>B Misdemeanor</td>
<td>sexual abuse in the third degree</td>
</tr>
<tr>
<td>130.60</td>
<td>A Misdemeanor</td>
<td>sexual abuse in the second degree</td>
</tr>
<tr>
<td>130.65</td>
<td>D Felony</td>
<td>sexual abuse in the first degree</td>
</tr>
<tr>
<td>130.65-a</td>
<td>E Felony</td>
<td>aggravated sexual abuse in the fourth degree</td>
</tr>
<tr>
<td>130.66</td>
<td>D Felony</td>
<td>aggravated sexual abuse in the third degree</td>
</tr>
<tr>
<td>130.67</td>
<td>C Felony</td>
<td>aggravated sexual abuse in the second degree</td>
</tr>
<tr>
<td>130.70</td>
<td>B Felony</td>
<td>aggravated sexual abuse in the first degree</td>
</tr>
<tr>
<td>130.75</td>
<td>B Felony</td>
<td>course of sexual conduct against a child in the first degree</td>
</tr>
<tr>
<td>130.80</td>
<td>D Felony</td>
<td>course of sexual conduct against a child in the second degree</td>
</tr>
<tr>
<td>130.90</td>
<td>D Felony</td>
<td>facilitating a sex offense with a controlled substance</td>
</tr>
<tr>
<td>130.95</td>
<td>A-II Felony</td>
<td>predatory sexual assault</td>
</tr>
<tr>
<td>130.96</td>
<td>A-II Felony</td>
<td>predatory sexual assault against a child</td>
</tr>
<tr>
<td>135.05(^2)</td>
<td>A Misdemeanor</td>
<td>unlawful imprisonment in the second degree</td>
</tr>
<tr>
<td>135.10(^2)</td>
<td>E Felony</td>
<td>unlawful imprisonment in the first degree</td>
</tr>
<tr>
<td>135.20(^2)</td>
<td>B Felony</td>
<td>kidnapping in the second degree</td>
</tr>
<tr>
<td>135.25(^2)</td>
<td>A-1 Felony</td>
<td>kidnapping in the first degree</td>
</tr>
<tr>
<td>220.04(^3)</td>
<td>A Misdemeanor</td>
<td>patronizing a prostitute in the third degree</td>
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<td>230.05</td>
<td>E Felony</td>
<td>patronizing a prostitute in the second degree</td>
</tr>
<tr>
<td>230.06</td>
<td>D Felony</td>
<td>patronizing a prostitute in the first degree</td>
</tr>
<tr>
<td>230.30(2)</td>
<td>C Felony</td>
<td>promoting prostitution in the second degree</td>
</tr>
<tr>
<td>230.32</td>
<td>B Felony</td>
<td>promoting prostitution in the first degree</td>
</tr>
<tr>
<td>230.33</td>
<td>B Felony</td>
<td>compelling prostitution</td>
</tr>
<tr>
<td>230.34</td>
<td>B Felony</td>
<td>sex trafficking</td>
</tr>
<tr>
<td>235.22</td>
<td>D Felony</td>
<td>disseminating indecent material to minors in the first degree</td>
</tr>
<tr>
<td>250.45(2)</td>
<td>E Felony</td>
<td>unlawful surveillance in the second degree</td>
</tr>
</tbody>
</table>

http://criminaljustice.state.ny.us/nsor/sortab1.htm

11/27/2007
<table>
<thead>
<tr>
<th>(3) and (4)</th>
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<tr>
<td>250.50</td>
<td>D Felony</td>
<td>unlawful surveillance in the first degree</td>
</tr>
<tr>
<td>255.25</td>
<td>E Felony</td>
<td>incest (committed prior to 11/1/06)</td>
</tr>
<tr>
<td>255.25</td>
<td>E Felony</td>
<td>incest in the third degree</td>
</tr>
<tr>
<td>255.26</td>
<td>D Felony</td>
<td>incest in the second degree</td>
</tr>
<tr>
<td>255.27</td>
<td>B Felony</td>
<td>incest in the first degree</td>
</tr>
<tr>
<td>263.05</td>
<td>C Felony</td>
<td>use of a child in a sexual performance</td>
</tr>
<tr>
<td>263.10</td>
<td>D Felony</td>
<td>promoting an obscene sexual performance by a child</td>
</tr>
<tr>
<td>263.11</td>
<td>E Felony</td>
<td>possessing an obscene sexual performance by a child</td>
</tr>
<tr>
<td>263.15</td>
<td>D Felony</td>
<td>promoting a sexual performance by a child</td>
</tr>
<tr>
<td>263.16</td>
<td>E Felony</td>
<td>possessing a sexual performance by a child</td>
</tr>
</tbody>
</table>

1 A registrable offense only if the victim is less than eighteen years of age or where the defendant has a prior conviction for a sex offense, a sexually violent offense, forcible touching or sexual abuse in the third degree or an attempt thereof even if registration was not required for the prior conviction; regardless of when the prior conviction occurred.

2 A registrable offense only if the victim is less than seventeen years old and the offender is not the parent of the victim.

3 A registrable offense only if the person patronized is in fact less than seventeen years old.

4 A registrable offense unless the trial court finds that registration would be unduly harsh and inappropriate. Please note that an attempt to commit this offense does not require registration.
ARTICLE 6-C
Sex Offender Registration Act

Definitions
§ 168-a. Definitions. As used in this article, the following definitions apply:

1. "Sex offender" includes any person who is convicted of any of the offenses set forth in subdivision two or three of this section. Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this article.

2. "Sex offense" means: (a) (i) a conviction of or a conviction for an attempt to commit any of the provisions of sections 130.20, 130.25, 130.30, 130.40, 130.45, 130.60, 230.34, 250.50, 255.25, 255.26 and 255.27 or article two hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses, provided the victim of such kidnapping or related offense is less than seventeen years old and the offender is not the parent of the victim, or section 230.04, where the person patronized is in fact less than seventeen years of age, 230.05 or 230.06, or subdivision two of section 230.30, or section 230.32 or 230.33 of the penal law, or (ii) a conviction of or a conviction for an attempt to commit any of the provisions of section 235.22 of the penal law, or (iii) a conviction of or a conviction for an attempt to commit any provisions of the foregoing sections committed or attempted as a hate crime defined in section 485.05 of the penal law or as a crime of terrorism defined in section 490.25 of such law or as a sexually motivated felony defined in section 130.91 of such law;

(b) a conviction of or a conviction for an attempt to commit any of the provisions of section 130.52 or 130.55 of the penal law, provided the victim of such offense is less than eighteen years of age; or

(c) a conviction of or a conviction for an attempt to commit any of the provisions of section 130.52 or 130.55 of the penal law regardless of the age of the victim and the offender has previously been convicted of: (i) a sex offense defined in this article, (ii) a sexually violent offense defined in this article, or (iii) any of the provisions of section 130.52 or 130.55 of the penal law, or an attempt thereof; or

(d) a conviction of (i) an offense in any other jurisdiction which includes all of the essential elements of any such crime provided for in paragraph (a), (b) or (c) of this subdivision or (ii) a felony in any other jurisdiction for which the offender is required to register as a sex offender in the jurisdiction in which the conviction occurred or, (iii) any of the provisions of 18 U.S.C. 2251, 18 U.S.C. 2251A, 18 U.S.C. 2252, 18 U.S.C. 2252A, or 18 U.S.C. 2260, provided that the elements of such crime of conviction are substantially the same as those which are a part of such offense as of the date on which this subparagraph takes effect.

(e) a conviction of any of the provisions of subdivision two, three or
four of section 250.45 of the penal law, unless upon motion by the
defendant, the trial court, having regard to the nature and
circumstances of the crime and to the history and character of the
defendant, is of the opinion that registration would be unduly harsh and
inappropriate.

3. "Sexually violent offense" means: (a) (i) a conviction of or a
conviction for an attempt to commit any of the provisions of sections
130.35, 130.50, 130.65, 130.66, 130.67, 130.70, 130.75, 130.80, 130.95
and 130.96 of the penal law, or (ii) a conviction of or a conviction for
an attempt to commit any of the provisions of sections 130.53, 130.65-a
and 130.90 of the penal law, or (iii) a conviction of or a conviction
for an attempt to commit any provisions of the foregoing sections
committed or attempted as a hate crime defined in section 485.05 of the
penal law or as a crime of terrorism defined in section 490.25 of such
law; or

(b) a conviction of an offense in any other jurisdiction which
includes all of the essential elements of any such felony provided for
in paragraph (a) of this subdivision or conviction of a felony in any
other jurisdiction for which the offender is required to register as a
sex offender in the jurisdiction in which the conviction occurred.

4. "Law enforcement agency having jurisdiction" means: (a) (i) the
chief law enforcement officer in the village, town or city in which the
offender expects to reside upon his or her discharge, probation, parole,
release to post-release supervision or upon any form of state or local
conditional release; or (ii) if there be no chief law enforcement
officer in such village, town or city, the chief law enforcement officer
of the county in which the offender expects to reside; or (iii) if there
be no chief law enforcement officer in such village, town, city or county,
the division of state police and (b) in the case of a sex offender who
is or expects to be employed by, enrolled in, attending or employed,
whether for compensation or not, at an institution of higher education,
(i) the chief law enforcement officer in the village, town or city in
which such institution is located; or (ii) if there be no chief law
enforcement officer in such village, town or city, the chief law
enforcement officer of the county in which such institution is located;
or (iii) if there be no chief law enforcement officer in such village,
town, city or county, the division of state police; and (iv) if such
institution operates or employs a campus law enforcement or security
agency, the chief of such agency.

5. "Division" means the division of criminal justice services as
defined by section eight hundred thirty-seven of the executive law.

6. "Hospital" means: (a) a hospital as defined in subdivision two of
section four hundred of this chapter and applies to persons committed to
such hospital by order of commitment made pursuant to article sixteen of
this chapter; or (b) a secure treatment facility as defined in section
10.03 of the mental hygiene law and applies to persons committed to such
facility by an order made pursuant to article ten of the mental hygiene
law.

7. (a) "Sexual predator" means a sex offender who has been convicted
of a sexually violent offense defined in subdivision three of this section and who suffers from a mental abnormality or personality disorder that makes him or her likely to engage in predatory sexually violent offenses.

(b) "Sexually violent offender" means a sex offender who has been convicted of a sexually violent offense defined in subdivision three of this section.

(c) "Predicate sex offender" means a sex offender who has been convicted of an offense set forth in subdivision two or three of this section when the offender has been previously convicted of an offense set forth in subdivision two or three of this section.

8. "Mental abnormality" means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

9. "Predatory" means an act directed at a stranger, or a person with whom a relationship has been established or promoted for the primary purpose of victimization.

10. "Board" means the "board of examiners of sex offenders" established pursuant to section one hundred sixty-eight-l of this article.

11. "Local correctional facility" means a local correctional facility as that term is defined in subdivision sixteen of section two of this chapter.

12. Probation means a sentence of probation imposed pursuant to article sixty-five of the penal law and shall include a sentence of imprisonment imposed in conjunction with a sentence of probation.

13. "Institution of higher education" means an institution in the state providing higher education as such term is defined in subdivision eight of section two of the education law.

14. "Nonresident worker" means any person required to register as a sex offender in another jurisdiction who is employed or carries on a vocation in this state, on either a full-time or a part-time basis, with or without compensation, for more than fourteen consecutive days, or for an aggregate period exceeding thirty days in a calendar year.

15. "Nonresident student" means a person required to register as a sex offender in another jurisdiction who is enrolled on a full-time or part-time basis in any public or private educational institution in this state including any secondary school, trade or professional institution or institution of higher education.
Current Reported Offender Details
County of Richmond

Anyone who uses this information to injure, harass, or commit a criminal act against any person may be subject to criminal prosecution.

Offender Id: [Redacted]
Last Name: [Redacted]
First Name: [Redacted]
Middle Name: [Redacted]
DOB: [Redacted]
Sex: [Redacted]
Risk Level: 2
Race: [Redacted]
Ethnicity: [Redacted]
Height: [Redacted]
Weight: [Redacted]
Hair: [Redacted]
Eyes: [Redacted]
Corr. Lens: [Redacted]

Photo Date: [Redacted]
Reported Address: [Redacted]
City: [Redacted]
State: [Redacted]
Zip Code: [Redacted]

Sex Offender Type
Designation: Sexually Violent Offender

Other Address Info or Status:

Conviction:
Date: [Redacted]
Arrest Agency: NYPD Sex Offender Unit
Suprv. Agency: NYS Division of Parole
Victim Sex/Age: [Redacted]

Conviction Charges:
(Please note: a conviction for an attempt is generally punishable at one grade below the classification of the crime attempted, i.e., a rape 2nd degree is punishable as a class D felony while an attempted rape 2nd degree is punishable as a class E felony.)

<table>
<thead>
<tr>
<th>Title</th>
<th>Section</th>
<th>Subsection</th>
<th>Class</th>
<th>Category</th>
<th>Degree</th>
<th>Description</th>
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<tbody>
<tr>
<td>PL</td>
<td>130.50</td>
<td></td>
<td>B</td>
<td>F</td>
<td>1</td>
<td>Sodomy-1st Degree</td>
</tr>
</tbody>
</table>

Sentence:
Incarceration Sentence: 18 Month(s) to 54 Month(s), State Prison.

View map The view map feature is currently not supported on browser versions lower than version 4.0.7 in IE or version 6.01 in Netscape

Maximum Expiration Date/post Release Supervision Date of Sentence:
The legal dates posted on this site are the dates which were reported at the time of
registration and are subject to change. The conditions of supervision are subject to change
during the supervision period. The special conditions of release do not apply past the
maximum expiration date of sentence because the offender is no longer under supervision by
the listed supervising agency for this crime.

Scars, Marks & Tattoos:
Description

Additional Names/Aliases:
Last Name  First Name  Middle Name

College Info:
Employed/Attend Name
Currently Attend CUNY COLLEGE OF STATEN
ISLAND
Street  2800 VICTORY
BLVD
City  STATEN
ISLAND
State  NY  Zip  10314

Employer Info:
Status  Street  City  State  Zip

Vehicles:
Lic. Plate No.  State  Vehicle Year  Make/Model  Color

Special Conditions:
Special Conditions: Seek, Obtain, Maintain Employment, Abide by case specific sex offender
conditions, No alcohol, No contact with victim, Submit to substance abuse testing, Curfew.

Offense Description & Modus Operandi:
Offense Description:
Actual Sexual Contact
Relationship to victim: Non-Stranger
Weapon used:
Firearm (type unknown or not stated)
Force used:
Threat
Computer used: No
Pornography involved: No

DCJS Home

Appendix A to Subpart D of Part 668--Crime Definitions in Accordance With the Federal Bureau of Investigation's Uniform Crime Reporting Program

The following definitions are to be used for reporting the crimes listed in Sec. 668.47, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting Program. The definitions for murder, robbery, aggravated assault, burglary, motor vehicle theft, weapon law violations, drug abuse violations and liquor law violations are excerpted from the Uniform Crime Reporting Handbook. The definitions of forcible and nonforcible sex offenses are excerpted from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Handbook.

Crime Definitions From the Uniform Crime Reporting Handbook

Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Criminal Homicide--Manslaughter by Negligence

The killing of another person through gross negligence.

Criminal Homicide--Murder and Nonnegligent Manslaughter

The willful (nonnegligent) killing of one human being by another.

Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned--including joyriding.)
Weapon Law Violations

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Drug Abuse Violations

Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous nonnarcotic drugs (barbiturates, benzedrine).

Liquor Law Violations

The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Sex Offenses Definitions From the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program

Sex Offenses--Forcible

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

A. Forcible Rape--The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

B. Forcible Sodomy--Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. Sexual Assault With An Object--The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

D. Forcible Fondling--The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offenses--Nonforcible

Unlawful, nonforcible sexual intercourse.

A. Incest--Nonforcible sexual intercourse between persons who are
related to each other within the degrees wherein marriage is prohibited by law.

B. Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.