



NEW YORK STATE SENATOR

Terrence Murphy

Senator Murphy questions State on placing sex offenders in homes for the developmentally disabled

TERRENCE MURPHY October 11, 2018

| ISSUE: **SEX OFFENDERS, DEVELOPMENTALLY DISABLED, COMMUNITY, SEX ABUSE**

October 3, 2018

Anthony J. Annucci, Commissioner
NYS Department of Corrections and Community Supervision
1220 Washington Ave., Bldg 9
Albany, NY 12226

Kerry A. Delaney, Commissioner
NYS OPWDD
44 Holland Avenue
Albany, NY 12229

Dear Commissioners,

As Chairman of the Investigations and Government Operations Committee, I have received numerous inquiries from concerned citizens across the State of New York regarding the housing of violent convicted felons and registerable sex offenders in group homes for the developmentally disabled. Specifically, some of the concerns raised include housing dangerous violent and sexual predators to live with society's most vulnerable persons, the developmentally disabled, a conception that refutes common sense and is counter-intuitive. Moreover, many group homes are scattered randomly in any residential neighborhood throughout the state, heightening the safety concerns of those neighbors.

Recognizing privacy rights, and not to shed light on any particular case that may have received public scrutiny, I am requesting clarification of your policies regarding:

Albany, NY - Being a sex offender carries with it the often well-earned reputation of being unable to mix with society. Even hardened criminals have expressed their disgust with the lewd and deviant acts perpetrated by sex offenders. A recent study has found dozens of sex offenders in New York State living in group homes for people with developmental disabilities. Their crimes can run the gamut from watching child pornography to public exposure to sexual assault.

In his capacity as Chairman of the New York State Senate Investigations and Government Operations Committee, Senator Terrence Murphy has received numerous inquiries from

concerned citizens regarding the housing of violent convicted felons and sex offenders in group homes for the mentally disabled.

In response, **Senator Murphy wrote a letter** to Anthony J. Annucci, Commissioner of the New York State Department of Corrections and Community Supervision, and Kerry A. Delany, Commissioner of the Office for People With Developmental Disabilities on October 3rd, requesting clarification of their policies. His concerns include the standards for placing violent felons and sexual predators in residential facilities; how to keep residents, staff and the surrounding community safe; notifying residents, their families and the community before dangerous sex offenders are placed; and training and educating the staff of residential facilities.

"The idea of putting a registered sex offender under the same roof as someone who is developmentally disabled and unable to care for themselves defies logic," said Senator Murphy. "Nothing good can come from this policy. You're dealing with a very vulnerable population. While the sex offenders are themselves developmentally disabled, that doesn't mean they're any less dangerous. Families put their loved ones in these homes so they can get specialized care, not so they end up living in constant fear of being sexually assaulted."

The issue came to light through the efforts of Jonathan Carey Foundation, **which identified at least 25 sex offenders living in group homes for the developmentally disabled in parts around the state**. The organization maintains that placing sex offenders with disabled individuals violates a state law that prohibits endangering the welfare of an incompetent and physically disabled person.

Legislation was proposed last year to make it illegal for sex offenders with developmental disabilities to be in community residences. The bill was passed by the State Senate, but stalled in the Assembly.