



Senator Jeffrey D. Klein &  
Senator Diane J. Savino

# Protecting



# *Our Children:*

*How Pokémon Go and Augmented Reality  
Games Expose Children to Sex Offenders*

JULY 2016

## **Introduction**

Pokémon GO, a new mobile application for smartphones and tablets, has taken America by storm, resulting in over 30 million downloads from the Google Play and iOS App stores since its introduction on July 6, 2016.<sup>1</sup> The free-to-play augmented reality game encourages players to interact with their communities in a way they haven't before. Children go outside, become more physically active, and even engage in interesting new social interactions. But the game's release, especially in light of its explosive popularity, also creates an alarming safety issue that must be addressed immediately

This modern-day scavenger hunt, a seemingly innocuous challenge, creates the potential to lure unknowing children directly into danger by setting up locations and objectives within the game perilously close to the homes of registered, high-level sex offenders. Additionally, sex offenders access to the game creates potentially dangerous situations where sites set up by the developer provide unfettered access to children who congregate in these locations.

Upon a closer investigation of this issue, Senator Jeff Klein and Senator Diane Savino found nothing in the current New York State law that explicitly prohibits sex offenders from playing these games nor does current law place any mandate on the developer to ensure the game doesn't send children to sex offenders' homes.

### **Key Findings**

- Investigators using the Pokémon GO application across all of New York City caught 57 Pokémon characters directly in front of the residential addresses of sex offenders who are currently on probation and/or parole and whose crimes involve the sexual abuse of children or the possession of child pornography.
- The investigators also located 59 total Pokéstops or PokéGyms throughout the City within a half-block radius of the 100 sex offenders' residences visited during the investigation.
- In total, the investigation found that 73 of the 100 sex offenders addresses were within a half-block of a Pokémon GO related item (actual Pokémon, PokéStop and/or PokéGyms).

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<sup>1</sup> <http://venturebeat.com/2016/07/19/sensor-tower-pokemon-go-has-already-passed-30m-downloads-and-35m-in-revenue/>

## **Augmented Reality Games**

An augmented reality game is a digital application or game, typically accessed on mobile devices such as smartphones, tablets, augmented reality glasses, etc., which cause users to physically move to and/or personally interact with real-world locations (outside of the user's home). The purpose is to achieve goals by visiting real-world locations to locate and interact with objectives inside the game.

One of the more popular augmented reality games on the market now is Pokémon GO. Pokémon GO allows players to capture, battle, and train virtual creatures, called Pokémon, which appear on mobile device screens as though in they exist in reality by using GPS and the camera on compatible devices. Pokémon GO Plus, a related Bluetooth-connected hardware device, is planned for future release and will alert users when Pokémon are "nearby" with an audible tone and/or physical vibration. The prospect of this hardware device will likely induce even more consumers to begin playing the game on a regular basis, increasing its popularity.

With the large influx of people who are using Pokémon GO, the chances for misuse by sex offenders has increased substantially. Notably, this free to download game is accessible by people of all ages, both very young children and adults of any age. By extension, this includes sex offenders. Because it is a game where people must "interact" in real time in the real world, it has created the potential for dangerous situations arising between children and sex offenders.

## **Recent Events across the Country with Sex Offenders and Pokémon GO**

Since the game was published less than two weeks ago, there have been multiple instances where the game goals and objectives have overlapped with sex offenders across the US.

In Arizona, a Pokéstop was located at the same location as a hotel that was turned into a halfway house where 43 registered sex offenders were currently living.

In another instance, a registered sex offender in Indiana was caught and arrested for actually playing the game with a 16-year-old boy on the local courthouse lawn when he was recognized by two local probation officers.<sup>2</sup>

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<sup>2</sup> <http://www.nydailynews.com/news/crime/indiana-sex-offender-arrested-playing-Pokémon-teen-article-1.2710477>

In an additional instance, one Pokéstop was placed at the outdoor sign of Sunny Acres, a San Luis Obispo sober-living facility which caters to, among other populations, recovering alcohol and drug addicts, and released sex offenders.<sup>3</sup>

On July 21, 2016, CNN.com released a Parents' Guide to Pokemon GO, which urges caution at Pokémon "Pokestops" and "PokeGyms," because of encounters with strangers. While the guide does not mention sex offenders specifically, there is a suggestion of discussing "stranger danger" with children who are playing this game; because the guide mentions that this game requires face-to-face interaction with other players there are often lengthy in-person encounters, as players gather at these meeting locations.<sup>4</sup>

### **Pokémon GO and New York Sex Offenders**

There are inherent dangers that Pokémon GO presents as it relates to New York children and dangerous sex offenders. The first danger for a child playing Pokémon GO can occur the instant a child leaves his/her house to play this game. As a child walks down any street to play this game, in any neighborhood, a Pokémon character can appear on a child's device at any time. Because the object of the game is to immediately stop in order to catch a character, a player must linger in the spot where a character appears on their screen. This creates a serious, imminent danger for children who, unknowingly, stop directly in front of a sex offender's home.

Aside from catching a Pokémon randomly in front of the home of a potential predator, other in-game elements called "Pokéstops," "Pokémon gyms," and "Lures" present similar dangers with the potential for sex offenders playing the game to easily identify where large crowds of children will be at any given time. Elements of the game that have high value to its users tend to attract large groups of people who are playing the game in a certain location in the real world. This happened on Friday, July 15, 2016 in Central Park, when hundreds of people showed up to capture a rare Pokémon, one of the valuable in-game elements.<sup>5</sup> In addition, developer generated sites are frequently situated within feet of sex offender homes. All of these are elements and/ or locations that the developer or a player can manipulate or monitor in the real world.

**"Pokéstop"**: This is a free location placed by the game developer that the player must find. Pokéstops are stationed around the world at important cultural spots, such as statues, public buildings, as well as other types of locations like playgrounds. These locations do not change in the game. An actual real world example where this could be worrisome is a location where a high concentration of children may be visiting, such as Central Park or the Bronx Zoo.

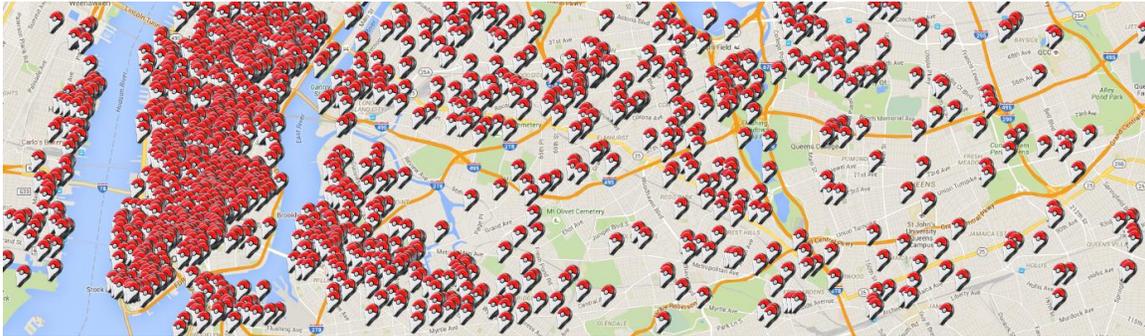
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<sup>3</sup> <http://www.cbsnews.com/news/Pokémon-go-sex-offender-home-california-leads-players/>

<sup>4</sup> <http://www.cnn.com/2016/07/21/health/pokemon-go-advice-for-parents/>

<sup>5</sup> [http://gothamist.com/2016/07/16/watch\\_hundreds\\_of\\_Pokémon\\_go\\_player.php](http://gothamist.com/2016/07/16/watch_hundreds_of_Pokémon_go_player.php)

A Pokéstop map is available from a website that collects information about the game. There are a massive number of Pokéstops around New York City, and their locations are being updated daily:



6

**“Lure”**: This is an item used to entice Pokémon to show up at a specific Pokéstop. Any user, once they attain a certain level (easily achieved), can place a “lure” module at any Pokéstop. A registered sex offender could play this game, and set up a lure outside of his or her home, at a playground, or any other location that is also a Pokéstop in order to bring children to his or her location. Lures are inexpensive and easy to obtain. One lure module in the store costs 100 Pokécoins and 8 lure modules costs 680 Pokécoins. Coins can be purchased by players with real-world money:

Number of Coins	Cost (U.S. Dollars)
100	\$0.99
550	\$4.99
1,200	\$9.99
2,500	\$19.99
5,200	\$39.99
14,500	\$99.99

At this rate, a sex offender could quickly and easily purchase 28 lure modules for only \$19.99.

**“PokéGym”**: This is a separate physical location where a player must go to train and strengthen their collection of Pokémon. Multiple players must physically go to these “Gym” locations in order to participate.

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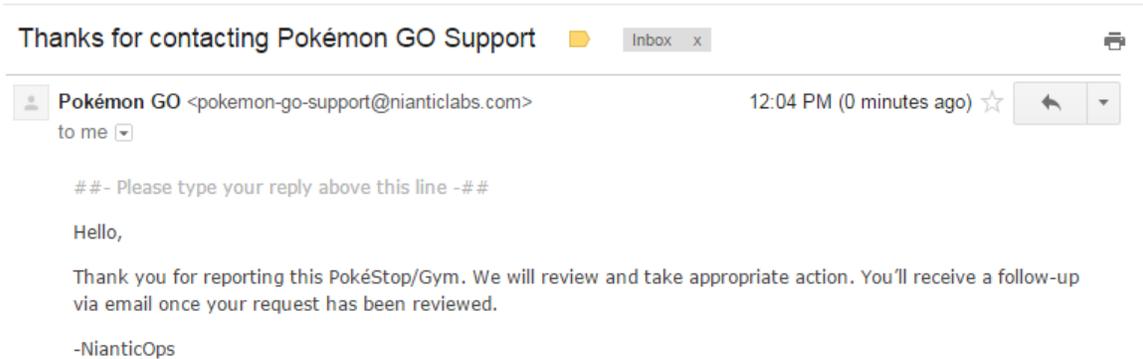
<sup>6</sup> <http://www.mapapokemongo.com/pokestops/new-york>

## Removing the Dangers from the Pokémon GO Game

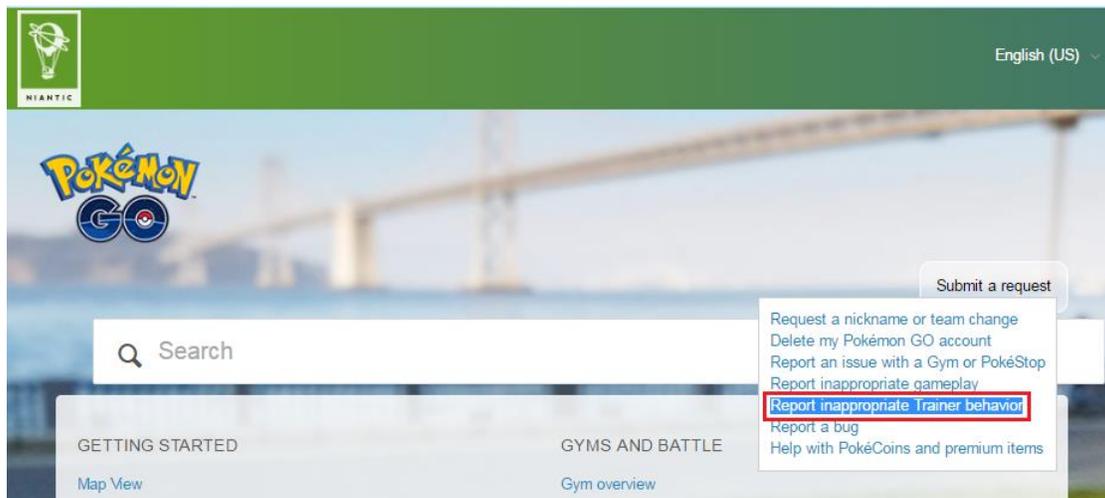
Upon review, currently, the augmented reality game developer of Pokémon GO, Niantic Labs, does have a formal process to remove a Pokéstop from the game. A user must provide the developer with certain information in order to report an address. The user must be able to say why the location needs to be removed, the exact name of the Pokéstop, the exact address of the Pokéstop, and if possible, the latitude and longitude. This is only one in-game element though, and there is no mechanism for a user to ask that Pokémon do not appear at sex offender addresses, although the existence of this complaint mechanism does seem to indicate that the developer currently *does* have the ability to exclude in-game locations.

The image shows a screenshot of a web form titled "Submit a request". The form is designed for reporting a dangerous PokéStop or Gym in the game Pokémon GO. It includes several input fields and dropdown menus. The fields are: "Your email address\*" (with a red and yellow bar), "Subject\*" (with the text "How do i get a address removed?"), "Suggested articles" (with a link to "Pokémon GO Trainer guidelines"), "Additional info/reason for your request\*" (with the text "How do I get a specific address removed from the Pokemon GO game?"), "The reported PokéStop/Gym is" (with a dropdown menu showing "Dangerous"), "PokéStop/Gym is dangerous because it is\*" (with a dropdown menu showing "On a major roadway, highway, freeway, or bridge"), "Exact name of PokéStop\*", "Please fill in this field if you are reporting an issue with a PokéStop of Gym" (with the text "Address of the PokéStop/Gym\*"), "Latitude / Longitude of the PokéStop/Gym (optional)", and "Attachments" (with a button to "Add file or drop files here"). A "Submit" button is located at the bottom right of the form.

The response that is received after this is sent is a short statement saying they will look into the issue.



If a user desires to report an instance of inappropriate behavior by another player in the game via their site, the user must fill out a generic email form and wait for a response.



When a response does come from the company, the user receives the following email merely instructing them to reach out to local law enforcement:

 **Pokémon GO** <pokemon-go-support@nianticlabs.com>  
to me ▾

9:26 AM (47 minutes ago) ☆



##- Please type your reply above this line -##

Trainer,

Please contact your local police or law enforcement for further assistance if you feel you are in danger.

Thank you for contacting us about this issue - we've received your report. Please be assured that we investigate all reports, but we can't discuss actions taken on other Trainers. We will reach out to you if we need any further information.

If it would make you feel more comfortable, we can change your nickname without any impact to your progress. We can also delete your current account so you can start playing with a new email address. If you prefer one of these options, please reply to this email and let us know.

If you have additional information you'd like to send regarding this particular report, please reply to this email instead of filling out our contact form again.

-NianticOps

## **Sex Offender Laws in New York**

### ***Residency Restrictions for Sex Offenders***

In order to protect communities from the dangers posed by released sex offenders on probation or parole, New York State places several restrictions on them with respect to residency and movement. Level 1 or Level 2 sex offenders whose victim was under the age of 18, as well as all Level 3 sex offenders, are prohibited from entering school grounds or being within 1,000 feet of any school or institution used primarily for the care or treatment of persons under the age of 18. The Executive Law § 259-c (14) and Penal Law § 65.10 (4-a) state that Level 3 sex offenders or those sex offenders with victims under the age of 18 on parole or probation:

“shall refrain from knowingly entering into or upon any school grounds, as that term is defined in subdivision fourteen of section 220.00 of the Penal Law, or any other facility or institution primarily used for the care or treatment of persons under the age of eighteen while one or more of such persons under the age of eighteen are present.”

Section 220.00 of the Penal Law then goes on to define school grounds as:

“(a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high,

vocational, or high school, or (b) any area accessible to the public located within one thousand feet of the real property boundary line comprising any such school or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising any such school. For the purposes of this section an ‘area accessible to the public’ shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.”

The New York State Department of Corrections and Community Supervision (DOCCS) has interpreted these statutes as prohibiting sex offenders from knowingly residing within 1,000 feet of school buildings and from knowingly traveling within 1,000 feet of school buildings.

### ***Internet Usage for Sex Offenders***

Current law, Section 65.10 of the penal law, states that Level 1 or Level 2 sex offenders whose victim was under the age of 18, as well as all Level 3 sex offenders, are prohibited from using the internet to access pornographic material, access a commercial social networking website, or communicate with other individuals or groups for the purpose of promoting sexual relations with persons under the age of eighteen. However, it is unclear if this explicitly prevents sex offenders from playing augmented reality games, which allow players to interact socially and arrange for encounters. While it is conceivable these games could fall under the category of a social networking website via judicial interpretation, they are not social networking in the traditional sense, nor are they websites. A statutory clarification would make clear that the legislative intent is to prevent sex offenders from accessing these games.

### **Investigating Pokémon GO in NYC**

Upon hearing disturbing reports across the country about children’s interactions with sex offenders while playing Pokémon GO, the Offices of Senators Klein and Savino conducted an investigation across the city to determine if Pokémon locations can be found in front of Level 2 or 3 registered sex offenders’ residences throughout New York City and how close developer created sites were to sex offenders residences. The results were shocking.

### ***Methodology***

1. A list of primary addresses of sex offenders in each borough of New York City was compiled using the Division of Criminal Justice Services website database. The list was prioritized using residential addresses of sex offenders who are currently under supervision (on probation and parole) and whose crimes involve the sexual abuse of children or the possession of child pornography.

2. Those addresses were then visited while using the Pokémon GO mobile application to see which in-game activities and objectives are located in the immediately surrounding area of these sex offenders' addresses. This information was compiled to show a pattern of dangerous in-game activity. This data reveals easy opportunities for sex offenders to interact with children playing the game.

3. Concurrently, maps of Pokéstops and Pokégymms (i.e. screenshots of from a sex offender's address), provided by researchers, were cross-referenced with the Pokéstops and maps found on [www.mapapokemongo.com/pokestops/new-york](http://www.mapapokemongo.com/pokestops/new-york) and portals from a location-based game called Ingress that were the basis for Pokémon GO sites.

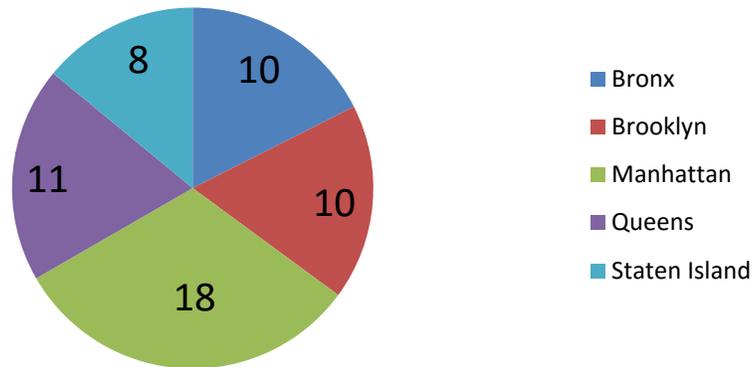
4. These Pokéstops and Gyms were then researched to determine their proximity to a sex offenders' residence.

### *Investigative Findings*

#### **1. Pokémon and Characters Found Directly in Front of Sex Offenders' Residences**

In the time spent in each borough, Pokémon were caught 57 times out of the 100 addresses visited or 57% of the time directly in front of a sex offender's residence. These are offenders who are currently under supervision (on probation and parole) and whose crimes involve the sexual abuse of children or the possession of child pornography. In the game, a player must try to capture various creatures that randomly appear as a player walks. In order to capture these creatures (Pokémon), a player is required to stop frequently and remain in that location, in order to successfully capture it.

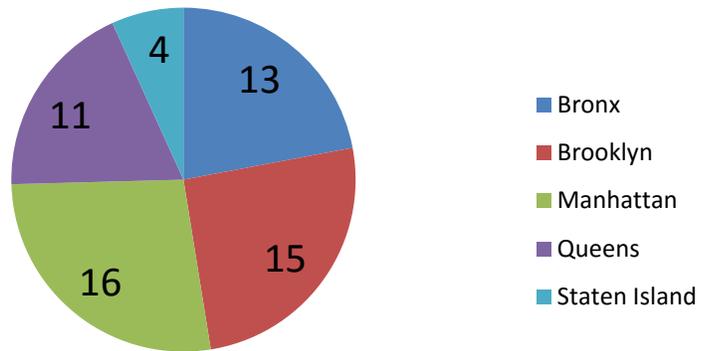
**57 Instances that a Pokémon appeared in front of a registered sex offender's residence during the research window**



**2. Pokéstops and/or PokéGyms Located Within a Half-Block of Sex Offenders' Residences**

There were also 59 total Pokéstops or PokéGyms found throughout the City in close proximity (within a half block radius) during the investigative period of 100 addresses. That means 59% of the time a Pokémon player was near a sex offender's residence, there was a Pokéstop or PokéGym located within a half block. These Pokéstops and PokéGym are the locations in the game where a player (i.e. sex offender) can use the "Lure" feature of the Pokémon GO game to draw others to that location or where a player can go to strengthen their character. Any child playing this game could be lured to a public location where a sex offender could be playing and waiting for the child.

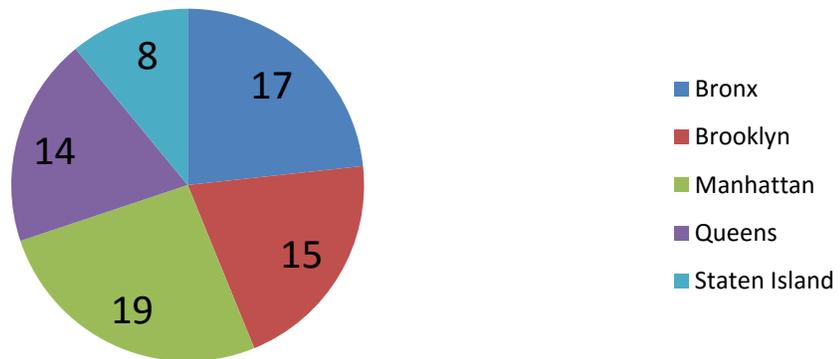
**59 PokéStops and/or PokéGyms found  
throughout New York City within a half-block  
of Sex Offenders**



**3. Total Instances of All Combined Pokémon GO Related Items Within a Half Block of a Registered Sex Offenders' Residences**

In total, the investigation found that 73 of the 100 sex offenders address were within a half a block of a Pokémon GO related item (actual Pokémon, PokéStop and/or PokéGyms).

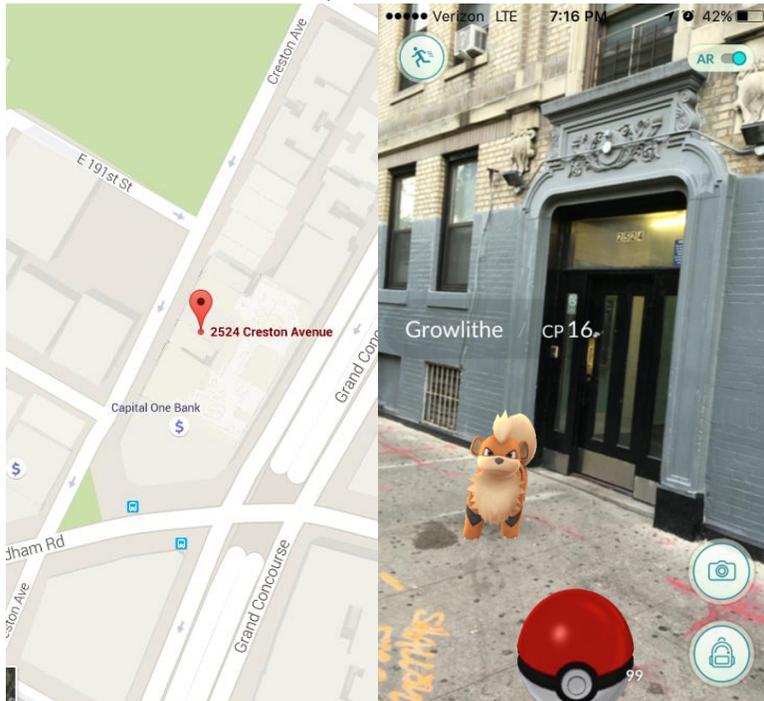
## 73 Total Instances of All Combined Pokémon GO Related Items Within a Half Block of a Registered Sex Offenders' Residences



Below are a set of screen shots from the Pokemon GO game in front an actual registered sex offender's primary registered address.

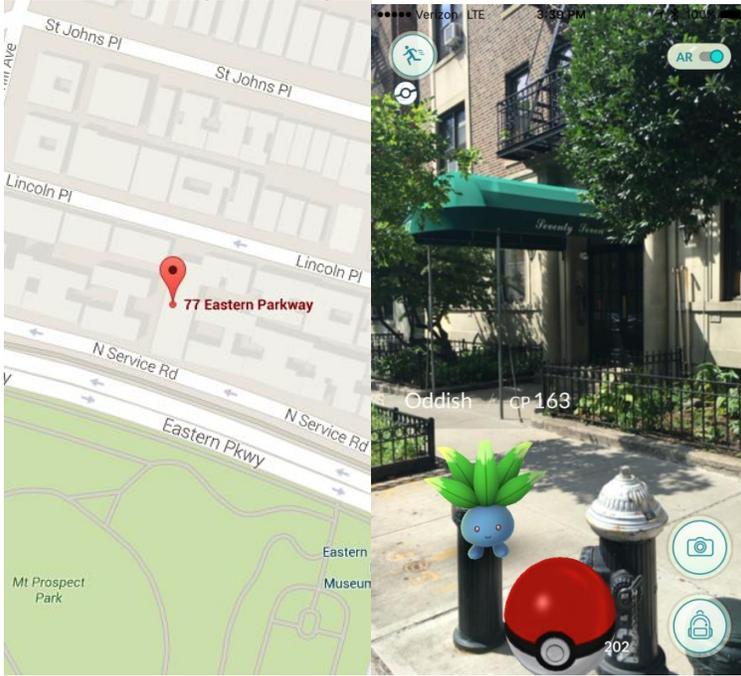
### Bronx

2524 Creston Ave Bronx, NY 10468



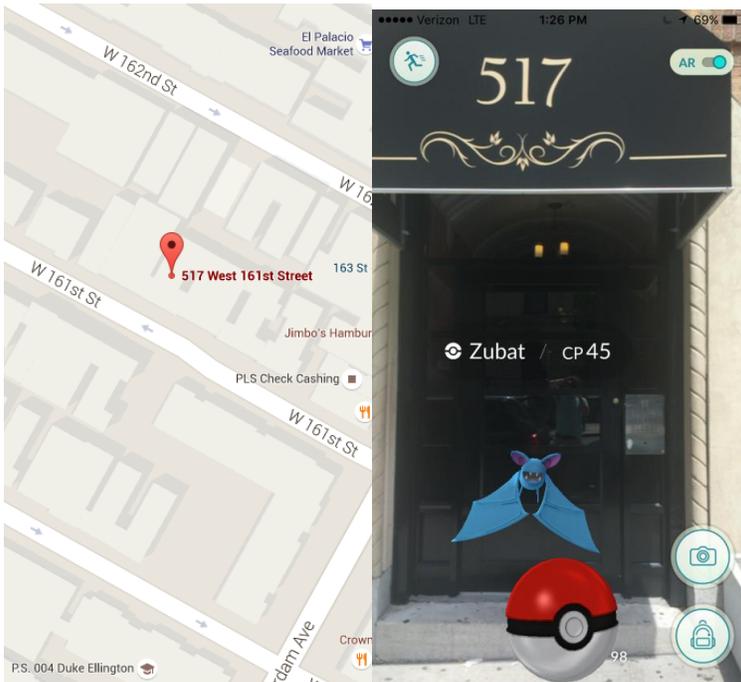
## Brooklyn

77 Eastern Pkwy, Brooklyn, NY 11238



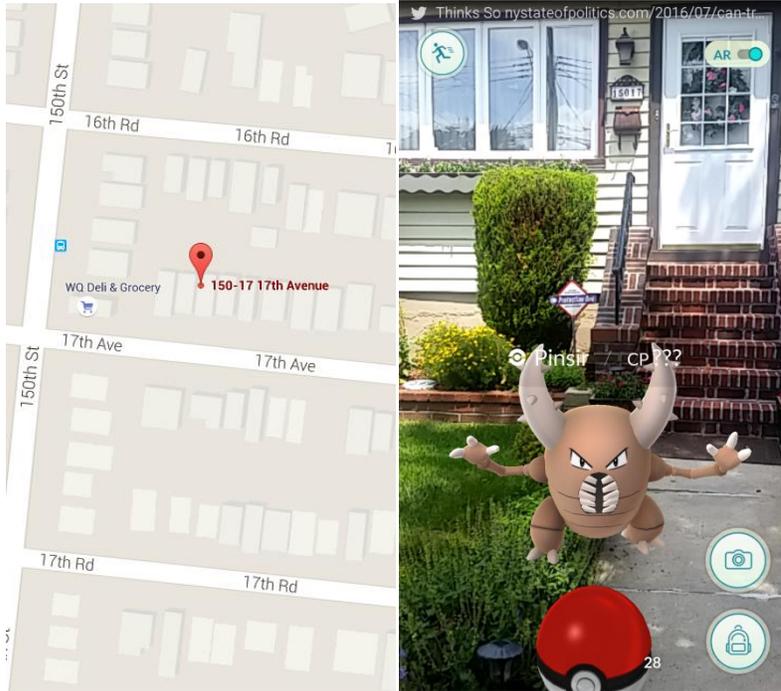
## Manhattan

517 W 161st St, New York, NY 10032



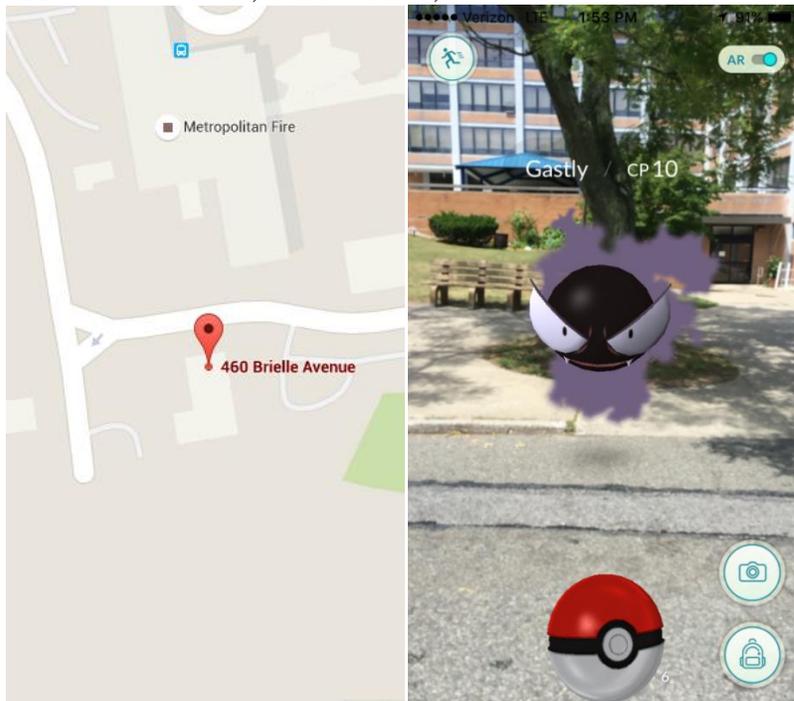
## Queens

150-17 17th Ave, Queens, NY 11357



## Staten Island

460 Brielle Avenue, Staten Island, NY



## **Solutions**

### 1. Legislation: Active Sex Offender Ban on Augmented Reality Games

Currently, sex offenders in this category are banned from using social media, but the statute is not clear on whether a game such as this constitutes social media. This legislation uses the IDC's new definition of "augmented reality games" to ban sex offenders on probation or conditional discharge pursuant to §65.10 of the New York Penal Law from downloading or playing any augmented reality game. This bill would keep the game out of the hands of known sex offenders with a recent history of offenses against children.

### 2. Legislation: In-Game Sex Offender Residence Restriction

This new legislation would place restrictions inside the game that would prevent children from playing the game near a sex offender's primary residence. The provisions include the following:

- In-game objectives cannot be located within a 100-foot radius of the sex offender's home.
- The game developer must obtain information regarding all publicly-listed sex offender addresses from the Department of Criminal Justice Services (DCJS) website, and must update this information on a monthly basis.
- The attorney general will have the power to enforce the provisions of the act, including issuing cease and desist orders against the game developer in the event that they are not complying with the act.
- Penalties include a maximum \$100 per day fine for each location in the game that does not comply with the exclusion requirements in the act. These fines could be substantial, as there are thousands of sex offender residences around the state.