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Sex-offender law review is urged

Local legislators favor a 2nd look

Staff and wire reports

ALBANY - At least two of New York's nine most dangerous sex offenders freed under a two-year old civil confinement law have faced arrest on sex charges again, including Ken-Tweal Catts, who shot a Dutchess County sheriff's detective last week after a standoff at the sheriff's office building in the City of Poughkeepsie.

A number of local legislators said they'll study the law, designed to restrict and monitor some sex offenders after they leave prison, to see if it's too easy for some offenders to be returned to the streets.

Catts was freed from civil confinement by a jury in September, about a year after his release from prison. He was picked up Wednesday and was about to be charged with rape when he grabbed a detective's pistol and fired a shot that grazed an officer's head. He then holed up for three hours in the county building before shooting himself.

The first sex offender freed in the jury stage of the 2007 state law, Douglas Junco of Washington County, was accused of rape and kidnapping a woman in Georgia a year ago. That was eight months after a jury found there wasn't enough evidence of a mental abnormality, as required under the law, to confine him or order him to be strictly supervised in the community.

"The question is, what does the jury really know?" said Assemblyman Joel Miller, R-Poughkeepsie. "Judges normally do that, and it's only when we play this game when people claim mental illness that we fool the jury. This isn't supposed to be a game. People with competence should make the decisions, not turn it over to lay people."

The Republican said he will seek changes in the Democrat-controlled chamber to improve the sex offender management law because of the shooting.

"Frankly, I don't like any part of the current system," said Miller, noting it provides a false sense of security. "I think we created a charade that misleads the public."

Reached Sunday, state Assemblyman Marc Molinaro, R-Red Hook, said he supports the law's intent, which is to prevent violent sexual offenders from entering the community unchecked.

But he agreed with Miller the law may need further review.

"This is not a game," Molinaro said. "We have to get those who prey on our kids off the streets, and if there is a weakness in the legislation, we have an obligation to review so this type of thing doesn't happen."

Effectiveness questioned

State Sen. Steve Saland, R-Poughkeepsie, also feels the law might need a second look.

"The event that happened most recently in our own backyard raises questions about how effectively that process is working," he said Sunday. "If it's not effectively doing the job, then we simply have to do better."

The state now confines 81 sex offenders in mental health facilities. They can petition a court for release annually.

The next highest level of "civil management" under the law is to require "strict and intensive supervision" in the community. The state has put 65 offenders in that category so far. Of them, 29 violated the conditions of their release and 10 were charged with sex-related violations or new offenses. Of those, five did not involve physical contact, according to state records.

"It's a new law and a new experience, and we are constantly monitoring and evaluating it," said John Caher, spokesman for the state Division of Criminal Justice Services. "I don't believe there are any concrete proposals on the table at the moment to effect any major changes."

There was no immediate comment from the Democratic majorities in the Senate and Assembly, or Democratic Gov. David Paterson.

The law was aimed at a void in the criminal justice system: Once sex offenders - who often repeat their crimes especially without rehabilitation - completed their prison terms and parole, there was little way to monitor or help them. The 2007 law sought to rehabilitate, rather than punish, the sex offenders.

The system creates a series of checks and reviews by medical and judicial officials.

Since it was effective in April 2007, the state prison system and Parole Division has referred 3,252 sex offenders. The state Office of Mental Health rejected 2,691 cases as not warranting supervision or confinement beyond their jail sentences. The other steps in the process, including psychiatric evaluations and judicial reviews, which can eliminate cases from consideration for further confinement, further winnowed the group. That left only the nine who were confined and 65 on strict and intensive supervision in a community. Many cases are pending the jury stage, which is at the end of the process.

"There is no hole dark or deep enough for these sick and twisted predators," said Assemblyman Greg Ball, R-Carmel. He said the most serious offenders must be confined permanently.

Catts was convicted in 2004 of felony sexual abuse in a case involving a 17-year-old. He had spent more than 500 days in jail before that, and was released twice from prison and returned for parole violations, according to state prison records.

In prison, he logged 27 disciplinary incidents, including fighting, harassment, smoking and an unnamed sex offense, according to corrections records. He was released in 2007.

Junco had served nearly 15 years in prison for an attempted first-degree rape conviction in 1993 in Albany.
