

## **We Can Support Survivors AND Uphold Fair Process**

Restorative Action Alliance exists to end cycles of sexual harm and build policies that strengthen and support restorative accountability, positive reentry, and safety for all people.

### **We believe two things are equally true:**

- We must support survivors without committing injustice in their names.
- Every person deserves fairness and due process when interacting with government systems – especially when significant liberty interests are at stake.

New York State’s current Risk Assessment Instrument (RAI), used to determine registry levels under the Sex Offender Registration Act (SORA), was adopted in 1996 and has never been empirically validated.

This tool determines restrictions that shape: Housing - Employment - Family Life - Community Access - Duration of Regulatory Requirements - Travel and more.

Assessments that can result in lifelong consequences and radical instability must meet modern scientific and constitutional standards. **The current RAI does not.**

## **Why A08930 / S3201 Matters**

This legislation (with recommended changes) would require NYS to replace its RAI with validated, evidence-based assessment tools and establish a fairer, more modern review process. **This is one minimal, yet imperative step towards safety, fairness, and due process.**

### **The Current System Is Outdated & Unreliable - The NYS RAI:**

- Was adopted without being empirically validated
- Has not been meaningfully modernized in nearly 30 years
- Relies on outdated methodology
- Includes automatic overrides not grounded in predictive science
- Is unique to New York and lacks a coherent methodology

Independent experts, legal scholars, and judges have raised serious concerns about its reliability and fairness.

### **This Approach Does Not Help Survivors or Public Safety**

The current RAI contributes to:

- Overclassification and widespread lifetime registry placement
- Barriers to housing, employment, and family stability
- Increased instability that undermines reintegration and pro-social supports
- Diversion of scarce public resources away from prevention and survivor services

Safety is strengthened by prevention, stability, and evidence-based policy.

**Independent experts, legal scholars, and judges have raised serious concerns about its reliability and fairness.**

*(See opposite page page)*

## **Independent Experts Agree Reform is Needed**

### **Research shows:**

- Sexual recidivism rates are the lowest of most crime categories
- Overclassification inflates perceived risk and destabilizes people in reentry
- Risk tools are moderately predictive at best and must be periodically revalidated
- Registries have not been shown to reduce recidivism and may undermine reintegration and public safety outcomes
- The current RAI disproportionately affects marginalized populations

### **NYC Bar Association has concluded the RAI:**

- Has never been validated and relies on outdated research
- Produces inconsistent, unreliable and unjust results
- Should be replaced with tools validated using New York data and reviewed regularly
- Cautions that while changing the RAI is a first step, comparative risk research increasingly shows that registries do not reduce recidivism and may do more harm than good

### **Justice Daniel Conviser of the New York State Supreme Court Stated of the RAI:**

*“[T]he instrument mixes and matches purportedly objective factors related to the risk of re-offense, with numerical value judgments about the degree of harm an offender’s conduct causes and policy considerations. Some RAI factors are based on “harm,” some on recidivism risk, some on both of those factors, some on policy grounds and for some factors, it is not clear on what basis points are assessed.”*

## **RAA’s Legislative Requests for A.8930 / S.3201 (as of 2/17/2026)**

- Eliminate the current Risk Assessment Instrument (RAI)
- Require adoption of validated, evidence-based assessment tools, including:
  - Tools validated using New York data
  - Distinct tools appropriate for different populations
  - An individualized and transparent approach
- Mandate periodic review and revalidation (at least every five years).
- Remove automatic overrides and other non-empirical scoring mechanisms
- Strike language requiring SORB to consider specific factors (those currently listed in statute are not correlated with risk of re-offense)
- Use person-first language in statute.
- Engage researchers, survivors, directly impacted individuals, and practitioners in drafting reforms.
- Center racial and LGBTQIA equity in modernization efforts.

**The current RAI does not reflect modern science, does not reliably predict risk, and does not build safer communities. New York can adopt a fair, evidence-based process that strengthens safety while improving due process and community stability.**

### **Selected Resources**

Bureau of Justice Statistics. (2019). Recidivism of sex offenders released from state prison: A 9-year follow-up (2005–2014).

Hanson, R. K., et al. (2014). High-Risk Sex Offenders May Not Be High Risk Forever: From Static to Dynamic Risk in the Study of Recidivism. *Journal of Interpersonal Violence*, 29(15), 2792–2813.

New York City Bar Association. (2026) Supplemental Report on Risk Assessment Instruments for Sex Offenders.

New York Civil Liberties Union. (2006). Racial and Ethnic Demographics of the New York State Level 3 Sex Offender Population.

Prescott, J. J., & Rockoff, J. E. (2011). Do Sex Offender Registration and Notification Laws Affect Criminal Behavior? *Journal of Law & Economics*, 54(1), 161–206.

Sandler, J. C., Freeman, N. J., & Socia, K. M. (2008). Does a Watched Pot Boil? A Time-Series Analysis of New York State’s Sex Offender Registration and Notification Law. *Psychology, Public Policy, and Law*, 14(4), 284–302.

Socia, K. M. (2011). The Policy Implications of Residence Restriction Legislation on Sex Offender Recidivism. *Criminology & Public Policy*, 10(2), 351–389.

People v. McFarland, 29 Misc. 3d 1206(A), 958 N.Y.S.2d 309 (Sup. Ct. N.Y. County 2010).

**Full reports and supporting research available upon request.**

## **Learn more about Restorative Action Alliance**



**Mission:** Restorative Action Alliance works to end sexual violence and systemic injustice through education, support, outreach and legal projects. We oppose overly punitive approaches that divert scarce resources, perpetuate cycles of harm, contribute to mass incarceration, and destabilize communities.

**Approach:** Focus on multiculturalism, equity, justice, inclusion, and belonging; centering restorative practices, human dignity and community-led healing.

**Leadership:** Our work is led by individuals with lived experience (crime survivors and those impacted by the criminal legal system). This promotes personal growth, understanding and connection within communities.