



Independent **Democratic** Conference

# Unsafe Shelter

***Registered Sex  
Offenders at Family  
Homeless Shelters***



September 2017

## **Introduction**

Recently, The Bronx community discovered that Jonathan Galloza, a Level 2 sex offender whose victim was 15-years-old, had been housed at the Crystal Family Residence homeless shelter, located at 555 Hutchinson River Parkway. This alarming discovery highlights a longstanding vulnerability that homeless families and children face when they enter the shelter system. Senator Jeff Klein and the Independent Democratic Conference first identified this regulatory shortfall in a 2007 investigation. Follow-up surveys in 2011, 2012, 2015 and 2017 have identified that registered Level 2 and 3 sex offenders continue to live in homeless shelters alongside children and families, including individuals that have convictions for sex crimes involving a minor.

Recognizing the dire need for immediate reform, Senator Klein and the IDC continue to champion Senate Bill 1784, which restricts placement of Level 2 and 3 sex offenders in family homeless shelters across the state. The IDC has secured successful passage of this measure in the Senate six out of the last seven legislative sessions and amplifies their call to the Assembly and City of New York to act to protect the interests of one of our most vulnerable populations – homeless children and families. The message remains clear – New York City and social services agencies statewide must do a better job protecting children in the shelter system by ensuring that they find alternative housing options for homeless sex offenders that pose a risk to the community.

This report will highlight Level 2 and Level 3 sex offenders who have resided and/or are residing specifically in New York City family shelters. While the IDC recognizes that this problem exists statewide, New York City operates the largest concentration of homeless shelters in the state and therefore presents the most illustrative examples of the issue at hand.

### **Key Takeaways**

- *Since the Office of Senator Klein released its first study on sexual predators living in family shelters in 2007, a total of 57 registered Level 2 and 3 sex offenders have resided in New York City family shelters.*
- *14 of the 21 Level 2 and 3 sex offenders identified in 2017 were convicted of sex related crimes where the victim(s) was a minor.*
- *When the Office of Senator Klein notified the Department of Homeless Services regarding a sex offender living in a family shelter, it took the agency over a week to move the offender who was convicted of raping two women on two separate occasions.*
- *The New York State Senate has passed this legislation six times in the past seven years, while the Assembly has consistently failed to follow suit.*



## **Overview of NYC Shelters**

The Department of Homeless Services (DHS) utilizes approximately 150 family shelters across the City of New York<sup>1</sup>. Non-profit social service providers operate a majority of these shelters. As of May 2017, 22,908 children resided in shelters each night along with approximately 15,000 families.<sup>2</sup> According to the Coalition for the Homeless, there were over 15,000 homeless single adults in New York City shelters each night as of May of this year, yielding, on average, a total of over 61,000 total individuals staying in homeless shelters each night.<sup>3</sup> Given that nearly 40% of all New York City shelter residents are children, there is a relatively high probability that a convicted sex offender may be placed in a shelter occupied by children. Further, the increasing number of homeless individuals utilizing shelters demonstrates the pressing need to ensure safe and appropriate settings while developing programs to transition individuals and families to more stable, long-term housing options.



## **Intake Procedures at NYC Family Shelters**

Most New York City family shelters receive their referrals through DHS. Others may receive referrals through the NYC Department of Housing Preservation Development (HPD). When determining family eligibility for shelter placement, DHS investigates whether there is a need for immediate temporary shelter or if there are alternative safe places for the family to stay. Documents which aid in the support of this investigation include eviction papers, a marshal's 72-hour eviction notice, letters from landlords or managing agents, letters of past roommates, and/or documents which can establish that a former living situation is no longer available.

There are two types of "families" that may qualify for placement in a family shelter in New York City. DHS defines a "family with children" as a family with children under the age of 21, a family

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<sup>1</sup> <http://www1.nyc.gov/site/dhs/shelter/families/families-with-children-shelter.page>

<sup>2</sup> <http://www.coalitionforthehomeless.org/basic-facts-about-homelessness-new-york-city/>

<sup>3</sup> <http://www.coalitionforthehomeless.org/basic-facts-about-homelessness-new-york-city/>

<sup>4</sup> [http://www.coalitionforthehomeless.org/wp-content/uploads/2014/04/NYCHomelessShelterPopulationCharts\\_5-2017\\_new.pdf](http://www.coalitionforthehomeless.org/wp-content/uploads/2014/04/NYCHomelessShelterPopulationCharts_5-2017_new.pdf)

with a pregnant woman, and a pregnant woman.<sup>5</sup> “Adult families” include legally married couples; domestic partners; adults who can prove a medical dependence on another person; and two adults who can prove a familial relationship with one another.<sup>6</sup> In December 2009, DHS implemented further guidelines to provide clarity with respect to adult families to include those without children or those having children above the age of 21.<sup>7</sup>

After the 2015 investigation by Senator Klein’s office, DHS stated publicly on February 5, 2015 that the agency would change their policies to address the problem of sex offenders in family shelters.<sup>8</sup> In discussions with Senator Klein’s office, DHS claimed that New York State law mandates that families entering into the homeless shelter system be housed together, regardless of any of the family member’s criminal background. The Department stated that they were going to seek a waiver from the Office of Temporary Disability Assistance (OTDA) to allow them to exclude Level 3 offenders completely and to have discretion on placing Level 2 offenders into family shelters. In October 2015, DHS issued a new procedure, Procedure 16-501, which deals with the placement of registered sex offenders into city shelters. The new procedure by DHS would mandate that anyone over the age of 16 applying to enter into a family shelter would have their criminal background checked against the sex offender registry. If an individual was found to be registered, they would have to fill out a questionnaire. Based on the answers to the questionnaire and the information available for the offender, DHS would determine whether the registered sex offender would be allowed to enter into the family shelter system or be referred to an adult shelter instead. Factors that DHS would consider according to this procedure are the severity of the crime committed, the age and gender of the victim as well as their relationship to the offender, how long ago the crime was committed, whether that individual faced any existing residency restrictions, their age, and whether the offender happens to be the single custodial parent.

In discussions following the creation of this procedure by the City, OTDA has not been willing to confirm or deny that DHS has been issued a waiver to deny sex offenders entry into shelters with the rest of their family. At the same time, the state has not recognized that New York City is failing to comply with the law regarding the placement of families into homeless shelters. The city has also been vague as to whether it obtained the waiver, though again the city officially stated it would seek a waiver in February 2015 and issued these new procedures in October 2015.

### **Past Investigations**

Senator Klein’s office has been investigating the presence of Level 2 and 3 sex offenders in New York City family homeless shelters since 2007. In 2007, 2011, 2012, and 2015 Senator Klein’s office examined whether Level 2 or Level 3 offenders were located at shelters that house families with children. The initial investigation found **six convicted sex offenders residing at six different family shelters** throughout The Bronx, Manhattan and Brooklyn. In 2011, four years after the 2007 report, Level 2 and 3 sex offenders were still living in shelters specifically

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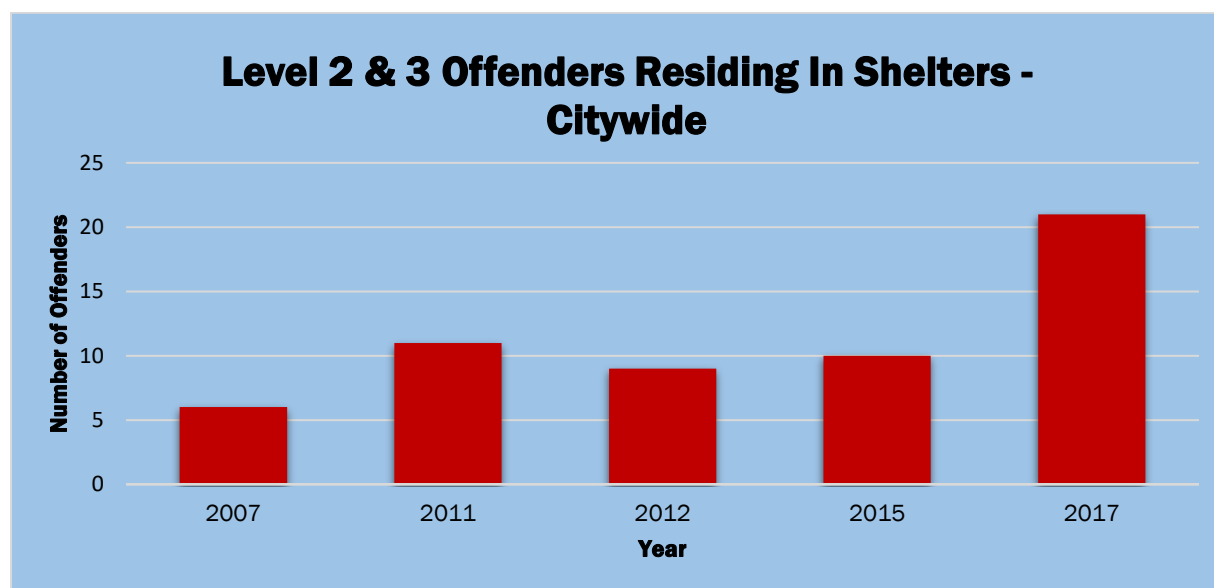
<sup>5</sup> <http://www1.nyc.gov/site/dhs/shelter/families/families-with-children.page>

<sup>6</sup> <http://www1.nys.gov/site/dhs/shelter/families/adult-families.page>

<sup>7</sup> Ibid.

<sup>8</sup> Kochman, Ben. “City eyes policy change to bar convicted sexual predators from family shelters”, *The New York Daily News*, February 5, 2015 <http://www.nydailynews.com/new-york/bronx/city-eyes-policy-change-sheltering-sex-offenders-article-1.2105203>

determined by DHS and the Department of Human Resources (DHR) of New York City to be family shelters. In total, **11 sex offenders were found to be living in five separate facilities** with their crimes ranging from Sodomy in the First Degree of a five and seven-year-old to Statutory Rape of a 16-year-old. A follow-up investigation was conducted one year later, in 2012, and found **nine registered sex offenders residing in five different New York City family shelters**. For a fourth time, in 2015, the Office of Senator Klein followed up the investigations with a new survey that yielded **ten registered sex offenders who listed family homeless shelters as their place of residence**. These individuals were residing in family shelters throughout Brooklyn, Queens, and The Bronx. **Seven out of the ten sex offenders had committed crimes against children, with the youngest victim being five-years-old.**



### **2017 Investigation Highlights**

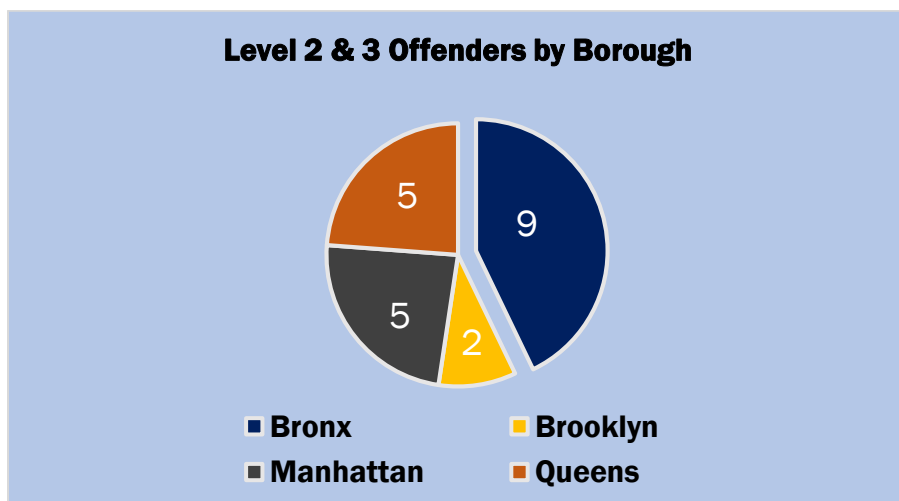
With DHS's previous shortcomings in protecting the city's homeless children and families from convicted sex offenders such as Mr. Bryant and Mr. Bolden, who resided in the Crystal Family Residence, Senator Klein for a fifth time evaluated a majority of family shelters across the city to see if the agency has improved its policies regarding the placement of sex offenders. Unsurprisingly, the 2017 investigation highlights the perpetuity of the longstanding practice of cohabitating registered sex offenders with child and family populations in New York City shelters. As of this month, **21 registered Level 2 and 3 sex offenders were found to be residing at family homeless shelters throughout New York City. Nine such offenders reside in the Bronx alone.**

These investigations also yielded that DHS is very non-transparent when it comes to identifying the addresses of homeless shelters in New York City. One of the most important sources of addresses for these surveys have been documents issued by the NYC Human Resources Administration advising agencies on how to fill out reimbursement forms. These documents include lists of shelters with their addresses, though the lists are not comprehensive. DHS also has data they publish on the NYC Open Data portal<sup>9</sup>, which they term the "shelter scorecard," and

<sup>9</sup> <https://opendata.cityofnewyork.us/>

contains information on the results of inspections by city agencies on shelters managed by the DHS. This data includes some identifying information, including the listed owners of the buildings and the type of shelter. Not all shelters take families with children – the department has specific shelters for single adults, as well as for families without children, or with adult children. Families with children are placed in what DHS classifies as “family hotels,” also in commercial hotels still being used, and in Tier II shelters, which are operated by service providers who offer additional social services to families. There are also what are known as “cluster sites.” Cluster sites are collections of private apartments in residential buildings used to house homeless families or individuals.

Given the lack of transparency by DHS, being able to obtain verifiable addresses for all the various buildings participating in a cluster site housing is exceedingly difficult. Staff focused on family hotels, commercial hotels, and Tier II facilities. We examined New York City property records and cross-referenced them with information from other city agencies and information online to get addresses for shelters. Not all facilities could be identified given the amount of information included in the available data. Once we had addresses, staff went through the New York State sex offender registry to see if any registered offenders had addresses for their residence that matched those we found for facilities. **In total, staff found 21 Level 2 or Level 3 offenders residing in family shelters citywide. Shockingly, nine of these offenders were found to be living in family shelters in The Bronx, including Mr. Galloza.**



### **Crystal Family Residence**

The Crystal Family Residence in The Bronx has been identified as a common temporary housing placement for convicted sex offenders. The first instance of this was found in January 2015, when community members notified the Office of Senator Klein that the shelter was in fact housing Curtis Bolden, a Level 3 sex offender. Mr. Bolden was convicted in March 1980 of First Degree Rape – his victims included a 55-year-old female and a 71-year-old female. At the time, staff immediately contacted DHS about this matter and together with Bronx Community Board # 10, asked for Mr. Bolden’s removal from the property. Eight days later, DHS relocated Mr. Bolden.

Shortly after, community members again alerted the Office of Senator Klein of another sex offender, Mr. James Bryant, also living at the Crystal Family Residence. Mr. James Bryant, a Level 2 “sexually violent offender,” was convicted in January 2004 of Indecency with a Child/Sexual Contact and Aggravated Sexual Assault of a Child. He served ten years in prison for his crimes against a seven-year-old victim in Texas. Again, the Office of Senator Klein called DHS to notify them that a sexually violent offender was being housed at their facility and that he may pose a threat to residents’ safety.

During the most recent investigation, Jonathan Galloza, a registered Level 2 sex offender who was convicted of Rape in the Third Degree of a 15-year-old girl, was found to be residing at the Crystal Family Residence. After Senator Klein’s office informed regulators of this issue, Mr. Galloza was removed from the family residence last week.

### Level 2 & 3 Offenders – Citywide

Name	Risk Level	Description of Charges	Age of Victims	Address	Shelter Name	Landlord
ANDRES RODRIGUEZ	3	Sodomy: Deviate Intercourse With Other Person Less Than 11	Male, 10 Years	1300 Sedgwick Ave 321, Bronx, N.Y. 10452	Bronx Hotels, Children’s Community Services, Family Hotel – Bronx	Seven Hills Hospitality
SHAQUAWN WILLIAMS	2	Rape-1st Degree	Female, 14 Years	731 Southern Boulevard 5B, Bronx, N.Y. 10455	South Bronx Residence, Kalman Tabak, Family Hotel – Bronx	X Southern Boulevard LLC
CHAD DWORKOWITZ	2	Lewd or Lascivious Battery On a Child	Female, 14 Years	917 Eagle Avenue 5B, Bronx, N.Y. 10456	Mike’s House – Bronx	917 Eagle Avenue, LLC
HENRY WREN	2	Attempted Rape- 1st Degree	Female, Unknown	1277 Morris Avenue Apartment 53, Bronx, N.Y. 10456	Cleveland Family Residence – Bronx	Morris Avenue Estates
ELVARD BIENEAIME	3	Sexual Abuse-1st Degree	Female, 9 Years	691 East 140th Street, 5B Bronx, N.Y. 10454	Ketty’s Place II, Family Tier 2 -- Bronx	X East 140, LLC

JASON HERMIDAS	2	Sodomy-1st Degree	Male, 13 Years	691 East 138th Street, # 211, Bronx, N.Y. 10454	Jackson Family Residence, Bronx Works, Family Tier 2 -- Bronx	NYC Owned (DHS)
THEATRIS YARBOROUGH	2	Sexual Abuse-2nd Degree	Female, 6 Years	711 East 140th Street, # 301, Bronx, New York 10454	Ketty's Place, Family Tier 2 – Bronx	Jackson Avenue Development LLC
CURTIS JOHNSON	2	Rape-1st Degree, Sodomy-1st Degree	Female, Unknown	285 East 171st Street, A404, Bronx, N.Y. 10457	Help Bronx Morris	H E L P – BRONX
JONATHAN GALLOZA	2	Rape 3rd: Victim Less Than 17 Years Old Perpetrator 21 Years Or More	Female, 15 Years	555 Hutchinson River Parkway #245, Bronx, N.Y. 10465	Crystal's Place, Family Tier 2 – Bronx	Capri Whitestone LLC
REGINAL BELLOTT	3	Attempted Rape 3rd degree	Unknown	1630 Saint John's Place, 2-D, Brooklyn, N.Y. 11233	St. John's Family Residence, Family Tier 2 – Brooklyn	St. John's Place Family Center
DARYL JONES	2	Attempted Promoting Prostitution- 2nd: Profit From Prost of Person <16 Years Old	Female, 15 Years	2520 Tilden Avenue, Apartment 8-D, Brooklyn, N.Y. 11226	Tilden Hall Family Residences – Brooklyn	Tilden Hall Family Residences
GODSENT GIDEON	3	Sexual Abuse-3rd Subject Another Person to Sex Contact	Female, 15 Years	30 Hamilton Place, Manhattan, N.Y. 10031	Family Residence, Helps U.S.A., Family Tier 2 – Manhattan	Hamilton Place Assoc. LLC



		Without Consent				
JAMELLE MANNING	3	Sodomy-1st Degree	Female, 14 Years; Female, 15 Years	30 Hamilton Place, Manhattan, N.Y. 10031	Family Residence, Helps U.S.A., Family Tier 2 – Manhattan	Hamilton Place Assoc. LLC
ANTHONY ONEIL	3	Course of Sexual Conduct Against Child-1st Degree	Female, 7 Years; Female, 7 Years	30 Hamilton Place, Manhattan, N.Y. 10031	Family Residence, Helps U.S.A., Family Tier 2 – Manhattan	Hamilton Place Assoc. LLC
FRANCISCO DROZ	2	Incest- 3rd Degree: Engage in Sexual Conduct With Related Person	Female, 18 Years	1645 First Avenue, Manhattan, N.Y. 10028	Gracey Inn – Manhattan	1645 First Avenue
DOUGLAS JONES	2	Sexual Abuse 2nd: Sexual Contact With Person Less Than 14 Years Old	Female, 13 Years	1645 First Avenue, Manhattan, N.Y. 10028	Gracey Inn – Manhattan	1645 First Avenue
Paul Davis	2	Sexual Abuse – 1 <sup>st</sup> Degree	Unknown	90-35 Van Wyck Expressway, #102, Queens, N.Y. 11435	Shelter, Ben Berger, Family Hotel – Queens	Lincoln Motor Inn, Inc.
JOE DOVERAN	3	Sodomy-1st Degree	Female, 7 Years; Female, 5 Years	90-35 Van Wyck Expressway, #301, Queens, N.Y. 11435	Shelter, Ben Berger, Family Hotel – Queens	Lincoln Motor Inn, Inc.

JACQUELINE GRAHAM	2	Sexual Contact With Individual Greater Than 17 Incapable of Consent	Female, 80 Years	153-90 Rockaway Boulevard, L06, Queens, N.Y. 11434	Park Family Residence, Israel Rabinowitz, Family Hotel/Belt Family Center, Family Hotel	Belt Park Associates
IRENE ESTRADA	3	Sexual Misconduct: Engage In Oral/Anal Sexual Conduct Without Consent	Male, 7 Years; Male, 4 Years; Male, 2 Years	153-90 Rockaway Boulevard, Apartment 242, Queens, N.Y. 11434	Park Family Residence, Israel Rabinowitz, Family Hotel/Belt Family Center, Family Hotel	Belt Park Associates
MAJOR HARDEN	3	Sexual Abuse 2nd: Sexual Contact With Person Less Than 14 Years Old	Unknown	153-90 Rockaway Boulevard, Queens, N.Y. 11434	Park Family Residence, Israel Rabinowitz, Family Hotel/Belt Family Center, Family Hotel	Belt Park Associates

### **Legislative Solution**

The presence of a substantial number of sex offenders in homeless shelters in The Bronx alone shows that the city clearly continues to dangerously cohabitate convicted sex offenders with families, even after creating a procedure supposedly aimed at preventing this occurrence. The lack of clarity from both DHS and OTDA on the matter shows that agencies are simply not willing to deal openly with the issue and take the steps necessary to protect innocent and unsuspecting families. That is why legislation at the State level is necessary to make it clear that Level 2 and 3 sex offenders should not be housed in family homeless shelters.

Senator Klein carries legislation in the State Senate, S.1784 (A.6670 Titone), that would expressly prohibit the placement of Level 2 or 3 sex offenders in any temporary emergency housing or homeless shelters used to house families with children. This legislation would require municipalities to place homeless Level 2 and Level 3 sex offenders in adult-only shelters or emergency housing where they will not be in close contact with children. The legislation would create parity with existing federal law (Quality Housing and Work Responsibility Act of 1998)<sup>10</sup> that bars lifetime registered sex offenders from living in a public housing authority-controlled residence and requires such authorities to conduct background checks on prospective tenants. In sum, the measure provides a common sense solution to place registered sex offenders in more

<sup>10</sup> [https://portal.hud.gov/hudportal/documents/huddoc?id=DOC\\_8927.pdf](https://portal.hud.gov/hudportal/documents/huddoc?id=DOC_8927.pdf)

appropriate shelter settings by adding a very minimal administrative burden on DHS and social services districts to check the criminal backgrounds of applicants and ensure appropriate placement that will achieve the dual goal of preserving public safety and housing our most vulnerable residents.

### **Conclusion**

While securing appropriate emergency housing for sex offenders is undoubtedly a challenge, it remains essential to balance housing assistance for such individuals with the overarching goal of public safety for all homeless shelter residents and the community at large. Given the existing protections enshrined in state law that preclude a portion of registered sex offenders from being near educational institutions, it is only sensible to extend similar safeguards to the vulnerable child population residing in homeless shelters. The message is clear: the safety of all children, regardless of background and socioeconomic status, should be prioritized by the State of New York. Senator Klein's measure, S.1784, provides for a practicable way to safeguard this vulnerable population while still affording alternative temporary shelter and housing options for registered sex offenders in need of assistance.

Our findings indicate that the number of Level 2 and Level 3 sex offenders found in the city family shelter system as of this month is 21. The small number of individuals that would need to be relocated to an appropriate alternative setting due to their sex offender status would incur little burden on the city while simultaneously ensuring the welfare of the thousands of children living in the family shelter system. This is a clear and common sense reform that would enhance safety while maintaining the city's obligation to provide homeless services to its residents, regardless of criminal background. It is time for the Assembly and City of New York to recognize this proposal as a potential solution and promptly act to remedy a dangerous situation.