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## **Members of Assembly, Senate Question State's Office of Mental Health on Release of Repeat Sex Offender**

*WNY Delegation Asks Why Theodore Sypnier was Released Back Into the Community*

Assemblyman Robin Schimminger (D-Kenmore) joined forces with Assemblymembers Sam Hoyt, Dennis Gabryszak, Mark Schroeder, Francine DelMonte and Crystal Peoples-Stokes by sending a letter this morning to Commissioner Michael Hogan of the Office of Mental Health in which they questioned why Theodore Sypnier, a three-time sex offender, was not considered for civil confinement. Sypnier will soon be released from his halfway home program in Buffalo. Senators William Stachowski and Antoine Thompson also signed the letter.

In 2007, New York State passed the Sex Offender Management and Treatment Act, which allowed the state to place sex offenders who are determined to have a "mental abnormality" in a secure setting following the end of their prison or parole terms. These settings can range from confinement in a state psychiatric institution to a more closely monitored parole. In order to be considered for civil management the Department of Corrections must refer the person to the Office of Mental Health, which then evaluates the individual. If cause is found, the case is referred to the State Attorney General's Office. The Department of Corrections referred the case to OMH but it was never referred to the Attorney General's office.

"The lack of remorse and acknowledgement that Mr. Sypnier has shown toward the crimes he has been convicted of makes me fearful for the safety of our neighborhood children," Assemblyman Schimminger said. "He has been convicted three times of sexually molesting children. His previous and repetitive actions prove that he is a real threat to the community at large. The civil confinement law of 2007 was enacted to safeguard the community from predators such as Mr. Sypnier. Now is the time to put this law to good use."

"The civil confinement law of 2007 was established in order to deal with those sex offenders who suffer from a mental abnormality and present a real threat to the community," said Hoyt. "Mr. Sypnier's three convictions, parole violation and expressed desire to be in contact with children all seem to qualify him for consideration for civil management under New York State Law."

"Mr. Sypnier has been convicted of sex crimes against minors on three separate occasions, and he has been called a "threat" by his own daughter. We need to protect our children from this dangerous predator," said Senator William Stachowski. "I believe that OMH should reevaluate his release and the criteria they use for release applications in the future."

"I can't see how a person who has been convicted of sexually molesting children three times does not suffer from a mental abnormality," said Hoyt. "His own family and his current halfway home director see him as a likely repeat offender and I believe that OMH has failed to take the proper and necessary actions to protect the children of Western New York from a dangerous predator."