

**Broward County Reentry Coalition
Sex Offender Housing Subcommittee
2926 North State Rd. 7
Lauderdale Lakes, FL 33313**

April 20, 2020

Mark Bogen, Mayor
Broward County Commissioners
115 S. Andrews Ave., Room 421
Fort Lauderdale, FL 33301

SENT VIA EMAIL
mbogen@broward.org

Broward League of Cities
Mary Lou Tighe, Executive Director
Governmental Center, Suite 122
115 South Andrews Avenue
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SENT VIA EMAIL
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RE: TRANSIENT SEX OFFENDERS AND COVID-19

Dear Mayor Bogen and City Legislators:

We are a subcommittee under the Broward County Reentry Coalition dealing specifically with the issue of housing for persons required to register as sex offenders. This subcommittee wrote to you previously in February 2019 concerning the homeless sex offenders in Broward County. A copy of that letter follows for your reference.

The purpose of this letter is to update the statistics from that letter and to recommend the County suspend enforcement of its Sex Offender Residency Restriction (SORR) and recommend all Cities do the same (or, in the alternative preempt city SORRs) during periods of emergency, such as hurricanes or pandemics.

In February of 2019, at the time of our last letter, the Florida Department of Law Enforcement (FDLE) listed 1218 registrants in Broward, 327 of which were homeless. Those numbers increased. There are now 1240 registrants in Broward with 340 homeless. While the registrant population increased by only 1.8% in the last 14 months, the homeless registrant population increased by 3.98%. As we warned previously, with a growing registrant population and a diminishing supply of compliant housing, the numbers will continue to grow rapidly.

Last year, in response to a Circuit Court decision that found their SORR unconstitutional, the City of Ft. Lauderdale voted to amend their ordinance to remove school bus stops from their exclusion zone. As they found, that did not do enough. While the percentage of transients did go down by a small amount (from 47.6% of the registrant population in August 2018 to 45.2%, currently) the actual number of homeless registrants in Ft. Lauderdale *increased* (from 252 then to 269 now).

The Coronavirus pandemic introduces an urgent justification for modifying SORRs. Homeless are particularly susceptible to infection because they have limited access to sanitation, it's nearly impossible to socially distance and you simply can't shelter in place without a shelter.

Although it has been repeatedly demonstrated that SORRs do not work during normal periods of time, they absolutely defy any logical reasoning during states of emergency when schools, parks and playgrounds are closed. Many of these individuals have places to stay and family with whom they could live, but for the SORRs. So why do we force them to sleep on the streets during hurricanes and pandemics?

We need to act, and we need to act quickly. I implore you to re-read the report and recommendations we submitted last year and keep in mind the situation is more dire than it was previously.

Sincerely,

/s/ Meredith Powers-Lupo
Meredith Powers-Lupo, LICSW
Subcommittee Co-Chair

Enc.



**Broward County Reentry Coalition
Sex Offender Housing Subcommittee**

February 25, 2019

Broward County Reentry Coalition
Department of Community Programs
2926 North State Rd. 7
Lauderdale Lakes, FL 33313

Mark Bogen, Mayor
Broward County Commissioners
115 S. Andrews Ave., Room 421
Fort Lauderdale, FL 33301

Broward League of Cities
Governmental Center, Suite 122
115 South Andrews Avenue
Fort Lauderdale, FL 33301

**RE: REPORT AND RECOMMENDATIONS
SEX OFFENDER HOUSING IN BROWARD COUNTY**

Dear Legislators and County Officials:

We are a subcommittee under the Broward County Reentry Coalition dealing specifically with the issue of housing for persons required to register as sex offenders. Our subcommittee is comprised of representatives from the Sheriff's Office, Florida State Department of Corrections, the United States Department of Veterans Affairs, County Reentry programs, treatment providers, legal professionals and registrants.

One of our objectives has been to gather and digest information from stakeholders on all sides of the sex offender housing issue, including academic researchers, in order to make recommendations based on public safety, community needs and best practices.

In the wake of December's Office of Program Policy Analysis and Government Accountability (OPPAGA) report¹ and recent media articles² concerning the growing number of persons required to register in our communities, we feel it is timely to submit our findings and recommendations in the hope that we can work towards implementing solutions to our sex offender housing crisis.

A GROWING PROBLEM

The OPPAGA report found that Florida has seen a 53 percent increase in the number of persons required to register since 2005. This is *not* indicative of an increase in sexual offenses. In fact, violent sexual crimes have decreased during this same period.³ Rather, it is due to the reporting laws.

The State of Florida is one of a small handful of states that mandates *all* persons required to register do so for their entire lifetime.⁴ Additionally, when the Florida registry was enacted in 1997, there were eight qualifying offenses that required registration.⁵ Today there are more than twenty.⁶ With new registrants being added to the list continuously and zero attrition, this number will continue to grow rapidly. In addition, individuals who move from the state, or who are in our state briefly, be it for vacation or business, must register and will stay on the register for their entire life, regardless of whether they live in Florida or not.

Sex Offender Residency Restrictions (SORRs) drastically reduce the availability of compliant housing options.⁷ As the number of registrants grows, and the availability of already limited housing is consumed, the number of transient (homeless) registrants will increase.

HOMELESS SEX OFFENDERS IN BROWARD

While the number of persons required to register has more than doubled in 15 years, the number of homeless sex offenders in Broward County has tripled in less than half that time. In Broward, approximately 27% of registrants are homeless (327 out of 1,218 listed by FDLE);⁸ this represents a three-fold increase since April 2011, when 9% of the county's registrants were listed as transient.⁹

¹ <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1808rpt.pdf>

² <https://www.miamiherald.com/news/article223760070.html>

³ <https://www.bjs.gov/content/pub/pdf/cv16re.pdf>

⁴ <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparison-relief-from-sex-offender-registration-obligations/>

⁵

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=943.0435&URL=Ch0943/Sec0435.HTM

⁶ http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0943/Sections/0943.0435.html

⁷ Socia, Kelly M., et al. "Brothers Under the Bridge" Factors Influencing the Transience of Registered Sex Offenders in Florida." *Sexual Abuse* 27.6 (2015): 559-586.

⁸ <https://offender.fdle.state.fl.us/offender/publicDataFile.jsf>

⁹ Levenson, Jill, et al. "Where for art thou? Transient sex offenders and residence restrictions." *Criminal Justice Policy Review* 26.4 (2015): 319-344.

The primary cause for this increase has been the enactment of SORRs in Broward County and its cities that exceed the state mandates. Professor Kelly Socia, an expert in geo-mapping and the impact of SORRs, analyzed data provided by the City of Ft. Lauderdale to study the impact of SORRs on the availability of affordable rental housing units in the city. Professor Socia concluded that only 1% of the City's total stock of residential units was not covered by the SORR and of these, only 1% was both available and affordable at any given time.¹⁰

Comparably, Orange County has more than twice as many persons required to register (approximately 2,267) as Broward County, yet because they have fewer local SORRs, they only have a 6% transience rate¹¹ – one-quarter that of Broward.

Persons required to register in Broward County are legislated into homelessness. Forced into a proverbial game of musical chairs, where a diminishing supply of available housing is insufficient to meet a growing registrant population. Currently no homeless shelters accept persons required to register. Hundreds of people required to register have no choice but to live homeless or go underground.

EFFECTIVENESS OF SORRs

While it may seem like common sense to implement a plan to exclude people who have a history of sexual offending from an area around schools and parks, SORRs only prevent where registrants can reside at night (between 10PM and 6AM), not where they can go during the day. Common sense also suggests that children are at home sleeping between 10PM and 6AM, not in libraries or playgrounds.

There is no evidence suggesting that SORRs are effective in reducing sexual offending or recidivism.¹² This fact has been demonstrated across numerous studies, including the U.S. Department of Justice, which concluded that SORRs should not be viewed as a viable strategy for protecting communities.¹³

On the contrary, SORRs create barriers to reentry by fostering housing instability, separation from family and support systems and isolation, all of which are factors that *increase* recidivism. Transient registrants are more likely than those with homes to abscond from registration after probation.¹⁴ Local SORR laws also create a fiscal burden for taxpayers associated with mapping, monitoring, enforcement, court costs, and incarceration costs.

¹⁰ *City of Ft Lauderdale Vs Anderson, Ira J*, Broward County Case Number: 17003615MO10A

¹¹ <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1808rpt.pdf>

¹² Nobles, Matt R., Jill S. Levenson, and Tasha J. Youstin. "Effectiveness of residence restrictions in preventing sex offense recidivism." *Crime & Delinquency* 58.4 (2012): 491-513

¹³ SMART Office. (2015). Sex offender management, assessment, and planning initiative. Retrieved from Office of Justice Programs: http://smart.gov/SOMAPI/sec2/ch6_registration.html

¹⁴ Levenson, J. S., Ackerman, A. R., Socia, K. M., & Harris, A. J. (2015). Where for Art Thou? Transient Sex Offenders and Residence Restrictions. *Criminal Justice Policy Review*, 26(4), 319-344.

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The OPPAGA report further found that transient offenders present monitoring challenges for law enforcement. "The mobility of these offenders makes it difficult to locate them; as a result, they can consume a disproportionate amount of officer time compared to non-transient offenders." SORRs also have the unintended effect of creating clusters and "ad-hoc" enclaves of registrants.

CONCLUSION

We affirm the findings of the OPPAGA that "Many studies have established that sex offenders who maintain stable employment, housing and family relationships have significantly lower recidivism rates" and conclude that SORRs undermine successful reentry of former offenders, while doing nothing to promote public safety.

RECOMMENDATIONS

- 1) Broward County should enact legislation to pre-empt the patchwork of city SORR ordinances in favor of a uniform county-wide SORR that mirrors the State's SORR Statute (F.S. §775.215).
- 2) Broward County should designate a homeless shelter/reentry program dedicated (or able to service) the transient registrant population.
- 3) Resources currently spent on enforcing municipal SORRs in Broward County should be reallocated such that re-entry services focus on helping probationers and registrants to secure stable and meaningful employment, stable and affordable housing (including arrangements with family members or others when appropriate), and pro-social support systems that help them maintain a law-abiding lifestyle.

Respectfully Submitted,



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