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Sex Offender Residency Restrictions (SORRs) Remove Basic Human Rights and Increase Homelessness

- In 2006, Congress passed the Sex Offender Registration and Notification Act (SORNA). Restricting where a person could live was never a provision of the federal SORNA, but rather a restriction that developed at the state level.¹
- Sex Offender Residency Restrictions (SORRs) remove the freedom for registered people to choose where to live. Specifically, Florida Statute 775.215 prohibits anyone who has been convicted of certain sexual crimes to live within 1,000 feet of a school, child care facility, park, or playground, regardless of their offense, how long ago it was committed, or their present risk.²
- The State of Florida also allows individual counties and most of its cities to enact SORRs that further extend the exclusion zones, often to 1500-2500 feet which leaves offenders with few affordable housing options, and forces many of them into homelessness.³ In the more densely populated areas, SORRs effectively ban registrants from living in entire cities.⁴
- SORRs remove the freedom for registered persons to reside in facilities that provide needed services such as nursing homes and long-term care, or temporary facilities for medical or rehabilitative recovery.
- SORRs remove freedom for persons NOT on the Registry by effectively dictating to non-registered citizens who can and cannot live in their home; SORRs prohibit them from having a registered person live in their home when they freely choose to have them reside in their home.
- 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.⁵ Transient registrants are more likely than those with homes to abscond from registration.⁶
- ATSA, an international, interdisciplinary non-profit organization for the advancement of professional standards and practices in the field of sex offender evaluation and treatment, suggests that SORRs may cause higher levels of recidivism.⁷
- SORRs create a fiscal burden for taxpayers associated with mapping, monitoring, enforcement, court costs, and incarceration costs.
- Research suggests there is no evidence that SORRs reduce sexual offending or recidivism. 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.⁸
- To the contrary, the research identifies the unintended consequences of SORRs including increased homelessness, separation from family, increased distance from employment, public transportation and social services.
- Research supports that the removal of SORRs will have no impact on public safety yet a failure to adhere to SORRs in Florida carries a penalty of a third degree felony.

References:

- ¹ <https://smart.ojp.gov/sorna/current-law>
- ² http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0700-0799/0775/Sections/0775.215.html
- ³ 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. doi:10.1177/0887403413512326
- ⁴ <https://www.aclu.org/cases/doe-et-al-v-miami-dade-county-et-al>
- ⁵ <https://floridaactioncommittee.org/fac-letter-to-hud-re-federal-laws-that-foster-homelessness/>
- ⁶ 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
- ⁷ https://www.atsa.com/pdfs/Policy/2014-02-18_ATSA_CCASA_Amicus_Brief.pdf
- ⁸ <https://www.ojp.gov/pdffiles1/nij/222759.pdf>

Additional Expert Studies

- Analysis suggests that residence restrictions have little potential for preventing sex offenses against children. Most importantly, the data indicate that very few sex crimes against children have been by the offender's residence near a school, daycare center, or park.
Joanne Savage, Casey Windsor, Sex offender residence restrictions and sex crimes against children: A comprehensive review, Aggression and Violent Behavior, Volume 43, 2018, Pages 13-25, ISSN 1359-1789, <https://doi.org/10.1016/j.avb.2018.08.002>. (<https://www.sciencedirect.com/science/article/pii/S1359178918300259>).
- Significantly higher proportions of transient sex offenders were found in counties with a larger number of local-level restrictions, vast territory covered by these laws, wide-distance buffer zones, higher population density, and expensive housing costs. Sex offenders were more likely than the general population to become homeless.
Levenson J, Ackerman AR, Socia KM, Harris AJ. Where for Art Thou? Transient Sex Offenders and Residence Restrictions. Criminal Justice Policy Review. 2015;26(4):319-344. doi:10.1177/0887403413512326.
- The transience of registered sex offenders (RSOs) is a major impediment to reentry success, particularly because it has been linked to increased absconding and recidivism, and thus decreased community safety.
Socia KM, Levenson JS, Ackerman AR, Harris AJ. "Brothers Under the Bridge": Factors Influencing the Transience of Registered Sex Offenders in Florida. Sexual Abuse. 2015;27(6):559-586. doi:10.1177/1079063214521472.
- These laws do not conform to what is known about patterns of sexual perpetration and victimization, and thus do little to prevent recidivistic sexual violence. In fact, these policies may undermine the very factors shown by research to be associated with positive reentry and reduced recidivism.
Levenson JS. Hidden challenges: Sex offenders legislated into homelessness. Journal of Social Work. 2018;18(3):348-363. doi:10.1177/1468017316654811, Legislating individuals into homelessness is not sound social policy, nor is it humane.
- Registrants subject to residency restrictions had a substantially higher risk of homelessness than their counterparts. Furthermore, residency restriction status and race interacted in their association with homelessness, such that the deleterious impact of residency restrictions was magnified for Black registrants. The results of the analyses demonstrate that Black sex offender registrants disproportionately disadvantaged by residency restrictions and highlight the importance of developing evidence-based monitoring strategies that prevent and end homelessness among convicted sex offenders.
Emily Suiter & Tia S. Andersen (2022) Residency restrictions, race, and homelessness among registered sex offenders, Criminal Justice Studies, 35:2, 132-144, DOI: 10.1080/1478601X.2022.2026352
- The current mixed methods study examined attitudes and opinions of parole and probation officers who have supervised individuals convicted of sexual offenses ($n = 361$) regarding sex offender legislation and how these policies can be most effective in preventing recidivism... they perceived residence restriction laws and the tier system to be largely ineffective.
Leah Kaylor, Michelle K. Feinberg, Kseniya Katsman, Cecilia Allan, Emily Greene-Colozzi, Dylan Johnson & Elizabeth L. Jeglic (2022) Input from the frontlines: parole and probation officers' perceptions of policies directed at those convicted of sexual offenses, Psychiatry, Psychology and Law, DOI: 10.1080/13218719.2021.1995521