



**Human Rights Violations against Persons Required
to Register as Sex Offenders in the United States,
and**

***How Sex Offender Residency Restrictions (“SORR”)
Contribute to the Homeless Crisis***

**Shadow Report to the
United Nations Human Rights Committee
For the United States Review**

Submitted on September 11, 2023, by:

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I. Introduction

"We say we are going to end homelessness in the nation, but we are creating a permanently unhouseable category of humans." USCSB Professor Terrance Wooten

- Prior to 1994, there was no federal law governing sex offender registration and notification in the United States. Beginning with the Jacob Wetterling Act in 1994, Congress started to address the issue, and passed a series of bills from 1996–2003 to enhance, clarify and strengthen the provisions of the Wetterling Act.
- In 2006, Congress passed the Sex Offender Registration and Notification Act (SORNA), which fully revamped the federal standards for sex offender registration and notification, and repealed the federal standards outlined in the Wetterling Act. Since 2006, a number of bills have added to SORNA's provisions.¹
- Restricting where a person could live was never a provision of the federal SORNA but rather a restriction that developed at the state level. 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
- In some Florida counties or cities, the minimum distance is 2,500 feet which leave offenders with little to no affordable housing options, and forces many of them into homelessness.
- While the Sex Offender Registry schema in the United States at the federal, state, and municipal levels violate multiple conditions of the Universal Declaration of Human Rights, this shadow report is narrowly focused on the impact that the Registry has on housing options, and specifically the use of Sex Offender Residency Restrictions (SORRs) that remove the freedom for people to choose where to live, who may live in their home, and where they may live for needed services such as medical, rehabilitative and long-term care.
- Based on numerous studies with extensive empirical evidence, there is no evidence that supports the use of SORRs. To the contrary, the research identifies the unintended consequences including increased homelessness, separation from family, increased distance from employment, public transportation and social services.
- Research also supports that the removal of SORRs will have no impact on public safety as SORRs do not reduce recidivism, does not reduce child sexual abuse and does not keep a community safe.

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

- SORRs, however, do violate the following articles of these Human Rights agreements:

1. International Covenant on Civil and Political Rights (ICCPR)

- Article 10 (1) All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
- Article 12 (1) Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
- Article 15 (1) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.
- Article 17 (1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
- Article 17 (2). Everyone has the right to the protection of the law against such interference or attacks.
- Article 20 (2) Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.
- Article 23 (1) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
- Article 23 (4) States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.
- Article 26 -All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

- Article 1 (1) For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.
- Article 2 (1) Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.
- Article 2 (2). No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

- Article 2 (3). An order from a superior officer or a public authority may not be invoked as a justification of torture.
- Article 4 (1) Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.
- Article 5 (3) This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

3. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

- Article 5(d)(i) The right to freedom of movement and residence within the border of the State.
 - Article 5(e)(iii) The right to housing;
 - Article 5(e) (iv) The right to public health, medical care, social security and social services;
 - Article 5(e) (v) The right to education and training;
 - Article 5(e) (vi) The right to equal participation in cultural activities;
 - Article 5(f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.
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- Our organization has repeatedly written to Florida lawmakers and U.S. government agencies. We have made them aware of this human rights and public safety crisis. We have provided to them, by name, the individuals that are identified as unsheltered homeless as a result of being on the Florida Sex Offender Registry, and we have shared the research showing the ineffectiveness of SORRs. Unfortunately, no politician wants to appear as though they are doing something to help a despised population; the ***unhouseable category of humans created by the Sex Offender Registry and specifically by the Sex Offender Residency Restrictions (SORR)***.
 - While we understand the popularity of these SORRs, lawmaker's primary concern should be public safety. Research suggests there is no evidence that SORRs reduce sexual offending or recidivism.³ 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.⁴
 - Previous US reports to ICCPR, CAT and ICERD committees do not directly address the impact that the Sex Offender Registry or SORR has on housing, healthcare, employment, families, community and basic human rights. Banning an entire category of people from transitional, public, emergency shelter, healthcare facilities, or even private housing, for life, is a human rights crisis that can no longer go unaddressed.

³ 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

⁴ <https://www.ojp.gov/pdffiles1/nij/222759.pdf>

II. Impact of SORR on Persons: Their Dignity, Healthcare, Families and Communities

- Ira A., age 71, was diagnosed with cancer and living on the streets because of residency restrictions in Florida. His doctors would not operate on him until he had a safe place to recover. A rehabilitation center, assisted living facility, a shelter, and even his sister's home were all denied by the county Sheriff's office because of residency restrictions that dictate where a person can live between 10pm and 6am. Ironically, Ira didn't succumb to his cancer. Ira was killed by a hit and run driver who left him to die on the street at 10:40 pm. A man that old, that sick and that frail should not be living on the street, especially when his family wanted to take care of him in their home. **[NOTE: Additional reports and testimonies are available from persons on the Florida Registry that had to live homeless while on oxygen tanks, feeding tubes, and with open wounds.]**
- Amanda C., age 48, had no where to live because her probation status added school bus stops to her residency restrictions in her county. One address after another was denied due to the residency restrictions, and one job opportunity after another was lost because, even if she could find "approved" housing, she was dependent on public transportation that was not available in the areas that met her residency restrictions. The night before hurricane Idalia was to strike Florida, Amanda's probation officer suggested that her only option was to get a tent and live in the woods. **[NOTE: The Florida Department of Corrections does not suggest that Probation Officers assign people into homelessness, but it is a frequent complaint that is reported to our organization and reported by local media.]**
- Elizabeth L. is not a registered sex offender, however, after his offense in 2020, her husband Jason was placed on the Registry. He could not be released from prison after serving his time unless he had "approved" housing. SORRs prevented him from returning to the home he shared with his wife prior to his offense. Married for 25 years, Elizabeth and Jason could no longer live together as husband and wife because of the SORRs. The only available, approved housing she could find for Jason was one hour away in the next county in a shared facility for men only. Jason was forced to leave his wife, the home where they raised their family, and the community he served as a firefighter and paramedic for 15 years because of residency restrictions. Elizabeth, who suffers from PTSD, is now forced to live alone and apart from her husband because of residency restrictions. The only time the couple can be together is between 6am-10pm. She has a high level of anxiety and fear that someone will enter her home at night and attack her, so she works the midnight nursing shift at the hospital to avoid being home alone overnight. **[NOTE: This is not an isolated case; many families are experiencing this forced separation and suffer the unintended consequences of SORRs.⁵]**

⁵ Levenson, J., Harris, D., "The Ripple Effects of Post-Conviction Traumatic Stress in People Required to Register as Sex Offenders and their Families"

- Alvin M. committed an offence 28 years ago and never committed another offense. He and his wife Mary were lucky to live in a home that they owned before residency restrictions were passed. Even though there was a nearby park, they were “grandfathered” into their location and Alvin was allowed to remain there. As he and his wife aged, they discussed moving into the casita on their daughter’s property just down the street from their current home, but the daughter’s address was denied because there was a park nearby, which happened to be the same park that was nearby the home that Alvin has lived in for the last 28 years. Then, they found an assisted living facility they liked, and that would accept Alvin, despite his status. But the address of the facility was denied because it was within 1,000 feet of a park. Mary could go to the daughter’s home, but not Alvin. Mary could go to the assisted living facility, but not Alvin. After 63 years of marriage, Mary and Alvin realized that they would only be able to stay together if they remained at their current home. Sadly, Mary passed away at the age of 90 in August 2023 and Alvin, age 88, is alone in his home. He relies on neighbors and family members to check in on him whenever they can. ***[NOTE: as of 9/12/2023, there are 8,622 individuals on the Florida Sex Offender Registry over the age of 65.⁶ Because Sex Offender registration in Florida for life, this number will continue to increase.]***

III. Summary of Residency Restrictions Issue

- The State of Florida, all its individual Counties and most of its cities have enacted Sex Offender Residency Restrictions (“SORR”). These SORRs are exclusion zones which prohibit a person required to register as a sex offender from living within a specified distance from schools, parks, playgrounds and other places. In the more densely populated areas, SORRs effectively ban registrants from living in entire cities.
- Our organization sent a letter to the Mayor of the City of Miami, identifying by name 445 of the 591 unsheltered homeless on the streets of the city of Miami that are on the Florida Sex Offender Registry and homeless due in large part to the 2500-foot Residency Restrictions.⁷
- In Miami-Dade and Broward Counties, more than one-quarter of the people on the Sex Offender Registry are homeless. This is not for lack of funds or family/friends who would gladly take them in. It is a direct cause of the SORRs, which have legislated these individuals into homelessness. There are no shelters, halfway houses, or other transitional housing facilities that can take these individuals in Southeast Florida. They are excluded from all but small pockets of availability in which the stock of available residential units are quickly consumed because in Florida registration is for life. Each year Florida adds more people to its registry with no attrition.

⁶ <https://offender.fdle.state.fl.us/offender/publicDataFile.jsf>

⁷ <https://floridaactioncommittee.org/fac-sends-proposal-to-miami-mayor-with-solution-to-homeless-problem/>

- This problem has famously led to an encampment of homeless sex offenders living under a bridge in Miami-Dade⁸ and nearly three hundred registrants living along a two-block stretch of Federal Highway in Ft. Lauderdale.

IV. Lack of Re-entry Housing in Florida for Persons Required to Register as Sex Offenders

- 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.⁹
- In October 2022, Florida Action Committee submitted a letter to Secretary Marcia L. Fudge, U.S. Department of Housing and Development, Washington D.C., with copy to José Alvarez H.U.D. Region IV Regional Administrator, Atlanta GA and Vice President of the United States, Kamala Harris. The subject of the letter was the lack of reentry housing in Florida for persons required to register as sex offenders. Our letter was in response to Secretary Fudge’s letter, dated June 23rd, 2021, addressed to Public Housing Authorities, Continuums of Care, Multifamily Owners and HUD Grantees concerning reentry housing.
- In Secretary Fudge’s letter, she wrote that public safety was among her priorities and that one of the most important ways to meet that priority is to “ensure that people leaving prisons and jails are supported in their reentry to the community.” She further wrote that, “[r]esearch also shows that people who lack stable housing following incarceration face a higher likelihood of rearrest and reincarceration. On the other hand, a stable home can serve as the foundation upon which returning citizens can rebuild their lives, obtain employment, improve their health, and achieve recovery.”
- Florida Action Committee completely agrees with her statement and having been involved in reentry for more than a decade, we confirmed that there is overwhelming empirical research that supports the conclusion that housing instability is a trigger for re-offense. Accordingly, access to housing is one of the most important ways we can make our communities safer.
- The purpose of the letter from FAC¹⁰ was to plead with Secretary Fudge to immediately convene a committee to investigate the homeless registrant crisis in Florida, particularly Miami-Dade, Broward and Palm Beach Counties. To date, there has been no response.

V. Laws not supported by Empirical Evidence, yet carry Criminal Charges

- No research has been found to support the use of Residency Restrictions in reducing recidivism and increasing public safety. Yet a failure to adhere to SORRs in Florida carries a penalty of a third degree felony.

⁸ <https://www.aclu.org/cases/doe-et-al-v-miami-dade-county-et-al>

⁹ 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

¹⁰ <https://floridaactioncommittee.org/fac-letter-to-hud-re-federal-laws-that-foster-homelessness/>

- Individuals that cannot find homes that meet the SORR restrictions are facing arrest in some areas of Florida. Effective September 12, 2023, the city of Miami Beach will begin arresting homeless persons who refuse to go to a shelter. The suggested shelters are expected to be miles away from their current location without regard to the circumstances of their homeless status. Forcing individuals to relocate may be taking them away from nearby family, support and services. For a registered sex offender, a shelter may deny them access due to residency restrictions, leaving them no option other than to be arrested for actually, legally, following the local SORR ordinance.
- 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.¹¹
- SORRs also create a fiscal burden for taxpayers associated with mapping, monitoring, enforcement, court costs, and incarceration costs.

VI. Listen to the Experts

- 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.

¹¹ https://www.atsa.com/pdfs/Policy/2014-02-18_ATSA_CCASA_Amicus_Brief.pdf

- 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

VI. Recommended Questions

- What efforts will the U.S. implement to ensure access for all people legally residing in US to health care, social services, and emergency shelters, particularly in contexts where state and local officials are limiting such access due to SORRs?
- What steps does the U.S. plan to take to eliminate the banishment of a category of people, defined by a Registry of names, from communities?
- By what empirical data did and does the US have that allows this practice of residency restrictions to continue and force persons into homelessness?
- What steps does the US plan to take at the federal, state, and local levels to prevent persons who are on the Sex Offence Registry, from living homeless when they indeed have homes that they can return to if not for SORRs?
- What steps does the US plan to take at the federal, state, and local levels to prevent new legislation that allows this forced homelessness to continue?

VII. Suggested Recommendations

- In September 2022, Florida Action Committee president, Gail Colletta, filed a [Complaint with the Office of the High Commissioner for Human Rights](#)¹² in Geneva Switzerland, entitled: "Petition To the United Nations To Investigate The United States' Sex Offender Registry As a Violation Of The Universal Declaration Of Human Rights.". Over 6,000 citizens have signed a petition on [change.org](#) to declare the United States' Sex Offender Registry a violation of the Universal Declaration of Human Rights.¹³
- Recommend removing all residency restrictions as this is not supported as an effective public safety practice.
- Recommend removing all residency restrictions that prevent any person from living in a medical or long term care rehabilitation center, nursing home, hospice facility and the like, or in a private home with their family and loved ones.
- Recommend removing all restrictions that deny any person the right to stay in emergency shelters during periods of natural disasters alone or with their families.
- Recommend removing all restrictions that deny any person the right to choose who they allow to live, permanently or temporarily, in their home.

VIII. Conclusion

- It is entirely unacceptable to indiscriminately ban an entire category of people from transitional, public, emergency shelter, or even private housing, for life, regardless of their offense, how long ago it was committed or their present risk.
- This human rights and public safety crisis can no longer go unaddressed. Please consider making a stop in Miami Florida on your next US Tour to witness first hand the impact of SORRs.
- I am available and greatly welcome the opportunity to further discuss this important issue with the committee and provide additional research for your consideration.
- Contact Gail Colletta at 561-305-4959 or email to gail@floridaactioncommittee.org

¹² <https://floridaactioncommittee.org/wp-content/uploads/2022/11/FAC-Complaint-to-UN.pdf>

¹³ <https://www.change.org/p/public-sex-offender-registration-is-violation-of-universal-declaration-of-human-rights>