

June 2, 2008

The Honorable Charlie Crist  
Governor, State of Florida  
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*Via e-mail, fax, and U.S. mail*

Dear Governor Crist,

We write to request that you exercise your leadership to convene a taskforce of experts and lawmakers to respond to the public safety and housing crisis that the patchwork of residence restrictions for persons convicted of sexual offenses has created across the State of Florida.

As you know, in Miami-Dade County the patchwork of local restrictions has led to the creation of a makeshift village of individuals who are now living under the bridge on the Julia Tuttle Causeway, and to the inability of governmental agencies such as the Department of Corrections to continue to track some persons who are still under supervision. This crisis has persisted in Miami-Dade County for over a year now, and unfortunately similar situations have arisen in other Florida counties. (See enclosed April 19, 2008 *Miami Herald* article, "Laws keeping some sex offenders homeless.") Such situations have the potential to compromise public safety and will not resolve themselves without your intervention.

Despite evidence that residence restrictions are not effective in protecting the community, these laws have proliferated across the state in recent years. In order to reduce and prevent sexual victimization, it is imperative that policies and laws be implemented that are more likely to achieve that specific and important goal. Research from the Minnesota Department of Corrections found that not one of 224 recidivistic sex offenses would have been prevented by residence restrictions.<sup>1</sup> That is typically the case because most sexually abused children are victimized within relationships where power and trust can be abused, not due to proximity to the residential addresses of persons convicted of sex offenses. According to the U.S. Department of Justice, approximately 93% of sexually abused children are molested by family members, close friends or acquaintances.<sup>2</sup>

The position statement of the National Alliance to End Sexual Violence on residence restrictions (see enclosed) provides further evidence that such policies interfere with the ability of governmental agencies to monitor such former offenders and that such policies therefore threaten public safety. Unfortunately, this threat is already a reality in Florida. According to the April 9, 2008 *Miami Herald* article, "Camp Quagmire," by Nicholas Spangler, the Florida Department of Law Enforcement reports that across the state 245 offenders have absconded. Clearly these laws impede the work of governmental agencies in monitoring the whereabouts of those who have been released on supervision as well as those who have completed their supervision. In short, these regulations have had the unintended consequence of jeopardizing, not protecting, the public welfare.

Moreover, residence restrictions may go so far as to exacerbate the potential for re-offense. In a March 14, 2008 letter to Florida Senator Paula Dockery and members of the Senate Criminal Justice

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<sup>1</sup> Minnesota Department of Corrections. (2007). *Residential proximity and sex offense recidivism in Minnesota*. St. Paul, MN: MN Department of Corrections.

<sup>2</sup> Bureau of Justice Statistics. (2000). *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics* (No. NCJ 182990). Washington, DC: U.S. Department of Justice.

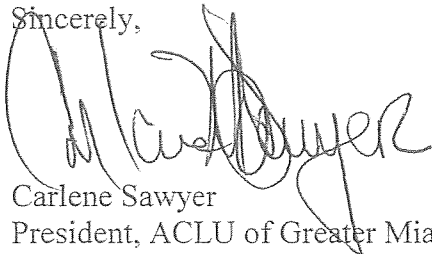
Committee, Jill S. Levenson, Ph.D., LCSW, a recognized expert whose primary area of research is the impact and effectiveness of laws designed to prevent sexual violence, stated: "Research shows that sex offender residence restrictions increase transience, homelessness, and instability. These laws interfere with effective tracking, monitoring, and close probationary supervision, undermining the very purpose of the registries. Research also shows a clear link between housing instability and increased criminal recidivism."

We urge you to immediately convene a statewide taskforce that includes representation from law enforcement, probation, experts in treatment and management of persons convicted of sex offenses, victim advocates, and civil rights advocates. Such a committee could work collaboratively to seek solutions that remedy this counter-productive situation in a way that is more likely to protect the public from sexual violence, minimizes offender instability, and facilitates effective monitoring and supervision.

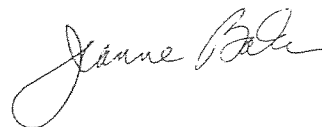
We urge you to take action where the Legislature has failed. This is not a crisis that can wait for the 2009 legislative session. We would be happy to suggest organizations that might be willing to sponsor and/or underwrite the meeting of this taskforce.

We look forward to your positive response. To reach us most easily, please contact Courtenay Strickland in the ACLU of Florida office, 4500 Biscayne Blvd., Suite 340, Miami, FL 33137, at 786-363-2734 (phone) or [cstrickland@aclufl.org](mailto:cstrickland@aclufl.org). Please consider us an ally in seeking a resolution to this crisis situation.

Sincerely,



Carlene Sawyer  
President, ACLU of Greater Miami



Jeanne Baker  
President, ACLU of Florida

Bennett H. Brummer, Public Defender  
Law Offices of the Public Defender for the 11<sup>th</sup> Judicial Circuit of Florida

Carlos J. Martinez, Assistant Public Defender

Benjamin J. Burton, Executive Director, Miami Coalition for the Homeless, Inc.

Jennifer L. Dritt, LCSW, Executive Director, Florida Council Against Sexual Violence

Fredrick ("Rick") Freedman, President  
Florida Association of Criminal Defense Lawyers – Miami Chapter

Eric Imhof, PsyD, President, Florida Association for the Treatment of Sexual Abusers

Jill S. Levenson, Ph.D., LCSW; Associate Professor and Human Services Department Chair,  
Lynn University, Boca Raton, FL

Sabrina Salomon, Co-Chair

Dawn Thompson, Co-Chair

Domestic Violence & Sexual Assault Council of Greater Miami

cc: Walter A. McNeil, Secretary, Florida Department of Corrections, 2601 Blair Stone Road, Tallahassee, FL 32399-2500; 850-922-2848 fax; [secretary@mail.dc.state.fl.us](mailto:secretary@mail.dc.state.fl.us)

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Enclosures:

1. "Laws keeping some sex offenders homeless," by Diana Moskovitz. *The Miami Herald*. April 19, 2008.
2. Excerpt on residence restrictions, from the position statement, "Community Management of Convicted Sex Offenders: Registration, Electronic Monitoring, Civil Commitment, Mandatory Minimums, and Residency Restrictions," by The National Alliance to End Sexual Violence.
3. "Reducing Housing Options for Convicted Sex Offenders: Investigating the Impact of Residence Restriction Laws Using GIS," by Paul A. Zandbergen, Dept. of Geography, Univ. of South Florida, and Timothy C. Hart, Dept. of Criminal Justice, University of Nevada, Las Vegas. *Justice Research and Policy*, Vol. 8, No. 2, 2006.