Sex offender mobility and residence restrictions in Miami-Dade County, 2005-2009

Paul Zandbergen
Department of Geography
University of New Mexico
Outline

• Background
  – Residence restrictions
  – Florida, Miami-Dade

1. Effect of residence restrictions on availability of affordable housing in 2009
2. Patterns of offender mobility 2005-2009
Florida Statutes 775.215

(2)(a) A person who has been convicted of a violation of s. 794.011, s. 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, may not reside within 1,000 feet of any school, child care facility, park, or playground.
Sec. 39-3. Prohibitions; Exceptions; Penalties.

(1) It is unlawful for any person who has been:

(b) designated as a sexual predator, as a sexually violent person, or by other sexual offender designation for similar offenses in another state or jurisdiction; or who has been required to register as a sexual offender in another state or jurisdiction, regardless of whether adjudication has been withheld, and in which case the victim of the offense was less than 18 years of age, (hereinafter referred to as sexual offender or sexual predator), to establish a permanent residence or temporary residence within 1500 feet of any public or private school, designated public school bus stop or sign, private school bus stop (including day care centers) registered pursuant to section 39-5, public library, day care center, specifically including residential or home based day care operating under a valid Village occupational license; park, playground, community center, day camp, or other place where children regularly congregate.
Ordinances in Florida

24 Counties

142 Municipalities
Miami’s Shantytown

As many as 100 convicted sex offenders resided under the Julia Tuttle Causeway.
Housing Study

• Analyze the impact of all residence restrictions on the availability of affordable housing

➢ Scenarios – state/county/local

➢ Spatial patterns – variation by community

>Note: study commissioned by the Greater Miami Chapter of the American Civil Liberties Union
## Methodology

| Restriction Zones                  | 1. Inventory of ordinances  
|                                   | 2. Parcel-level mapping of locations of interest  
|                                   | 3. Mapping restriction zones  
| Affordable Housing                | 4. Parcel-level housing cost-model  
|                                   | 5. Calibrate based on actually available rentals  
| Combination                       | 6. Overlay restrictions zones with housing  

Inventory of Ordinances
Locations of Interest

- schools: n = 1,142 - 99% geocoded
- daycares: n = 1,841 - 89% geocoded
- parks: n = 742 - 99% geocoded
- school bus stops: n = 38,882

Parcel geocoded and validated against orthophotos
## Scenarios

<table>
<thead>
<tr>
<th>Without public school bus stops</th>
<th>1. State 1,000 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. State 1,500 feet</td>
</tr>
<tr>
<td></td>
<td>3. State 1,000 feet + Miami-Dade</td>
</tr>
<tr>
<td></td>
<td>4. State 1,000 feet + local</td>
</tr>
<tr>
<td></td>
<td>5. State 1,000 feet + Miami-Dade + local</td>
</tr>
<tr>
<td>With public school bus stops</td>
<td>6. State 1,000 feet</td>
</tr>
<tr>
<td></td>
<td>7. State 1,500 feet</td>
</tr>
<tr>
<td></td>
<td>8. State 1,000 feet + Miami-Dade</td>
</tr>
<tr>
<td></td>
<td>9. State 1,000 feet + local</td>
</tr>
<tr>
<td></td>
<td>10. State 1,000 feet + Miami-Dade + local</td>
</tr>
<tr>
<td>Without public school bus stops for State + County and with public school bus stops for local as applicable</td>
<td>11. State 1,000 ft + local</td>
</tr>
<tr>
<td></td>
<td>12. State 1,000 ft + Miami-Dade + local</td>
</tr>
</tbody>
</table>
Restriction Zones

Scenario 1

State 1,000 feet, no public school bus stops

Scenario 12

State 1,000 feet (no public schools bus stops) + County + local (with public school bus stops)
Individual Housing Unit Model

1,042,572 tax assessment records

All housing units
Rent vs. own
Monthly cost

11,361 rentals in January 2009
Affordable Rental Housing Units (< $1,250)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Baseline</th>
<th>Scenario 12</th>
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</thead>
<tbody>
<tr>
<td>Miami</td>
<td>65,711</td>
<td>0</td>
</tr>
<tr>
<td>Miami Beach</td>
<td>25,927</td>
<td>0</td>
</tr>
<tr>
<td>Homestead</td>
<td>9,402</td>
<td>349</td>
</tr>
<tr>
<td>Unincorporated</td>
<td>83,402</td>
<td>5,445</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>270,874</td>
<td>6,832</td>
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</table>
Actually Available Rentals (July 2009)

<table>
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<tr>
<th>Jurisdiction</th>
<th>Baseline</th>
<th>Scenario 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miami</td>
<td>406</td>
<td>0</td>
</tr>
<tr>
<td>Miami Beach</td>
<td>531</td>
<td>0</td>
</tr>
<tr>
<td>Homestead</td>
<td>183</td>
<td>9</td>
</tr>
<tr>
<td>Unincorporated</td>
<td>724</td>
<td>30</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,703</strong></td>
<td><strong>43</strong></td>
</tr>
</tbody>
</table>
Offender Mobility Study

• How have residence restrictions impacted where offenders live in Miami-Dade County?

- General mobility patterns
- Relative to restriction zones
- Counts/density by jurisdiction
- Local clustering?
Methodology

• Snapshot of offender registries
  – July 2005
  – December 2009
• For offenders “at large” in Miami-Dade in 2005 and/or 2009
  – Code their status in 2005 and 2009
  – Geocode their “at large” residential address
• Compare address to restriction zones
  – State-level 1,000 feet in 2005
  – State + County + Local in 2009
• Examine patterns in local clustering
Methodology

At large in Miami-Dade

2005 and 2009

- 630 Same address
- 434 Different address

2005:
- At large outside
- Absconded
- Deported
- Incarcerated
- 287

2009:
- At large outside
- Absconded
- Deceased
- Deported
- Incarcerated
- Off database
- 536

Total sample: 2165. Valid at large addresses: 1894. Geocoded cases: 1823
Results – Mapped Locations

Offenders 2005 (n=1,382)  
Offenders 2009 (n=1,396)
## Offenders trying to find housing in Miami-Dade

<table>
<thead>
<tr>
<th>Status in 2005</th>
<th>2009 Total</th>
<th>2009 Valid address</th>
<th>2009 Transient</th>
<th>2009 Invalid address</th>
</tr>
</thead>
<tbody>
<tr>
<td>At large inside MD</td>
<td>434</td>
<td>347</td>
<td>84</td>
<td>3</td>
</tr>
<tr>
<td>At large outside MD</td>
<td>72</td>
<td>62</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Absconded</td>
<td>75</td>
<td>61</td>
<td>14</td>
<td>0</td>
</tr>
<tr>
<td>Deported</td>
<td>8</td>
<td>8</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Incarcerated</td>
<td>132</td>
<td>110</td>
<td>22</td>
<td>0</td>
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<tr>
<td>New on registry</td>
<td>278</td>
<td>211</td>
<td>59</td>
<td>8</td>
</tr>
<tr>
<td>Total count</td>
<td>999</td>
<td>799</td>
<td>179</td>
<td>21</td>
</tr>
<tr>
<td>Total (%)</td>
<td>100%</td>
<td>80%</td>
<td>18%</td>
<td>2%</td>
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</table>
### At large offenders and residence restrictions

<table>
<thead>
<tr>
<th>Category</th>
<th>Total 2005</th>
<th>Inside</th>
<th>Outside</th>
<th>Total 2009</th>
<th>Inside</th>
<th>Outside</th>
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<tbody>
<tr>
<td>Remained at large in MD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Same address</td>
<td>606</td>
<td>465</td>
<td>141</td>
<td>606</td>
<td>587</td>
<td>9</td>
</tr>
<tr>
<td>Moved</td>
<td>327</td>
<td>254</td>
<td>73</td>
<td>349</td>
<td>303</td>
<td>46</td>
</tr>
<tr>
<td>Moved out of MD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At larger outside MD</td>
<td>155</td>
<td>115</td>
<td>40</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Absconded</td>
<td>46</td>
<td>37</td>
<td>9</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Deceased</td>
<td>19</td>
<td>14</td>
<td>5</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Deported</td>
<td>20</td>
<td>12</td>
<td>8</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Incarcerated</td>
<td>130</td>
<td>92</td>
<td>38</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moved into MD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Previously at large outside MD</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>60</td>
<td>53</td>
<td>7</td>
</tr>
<tr>
<td>Previously absconded</td>
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<td>-</td>
<td>61</td>
<td>55</td>
<td>6</td>
</tr>
<tr>
<td>Previously deported</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>8</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>Previously incarcerated</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>108</td>
<td>97</td>
<td>11</td>
</tr>
<tr>
<td>New on registry</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>204</td>
<td>174</td>
<td>30</td>
</tr>
<tr>
<td>Total</td>
<td>1,382</td>
<td>1,049</td>
<td>333</td>
<td>1,396</td>
<td>1,276</td>
<td>120</td>
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</table>
At large offenders and residence restrictions

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Same address</td>
<td>606</td>
<td>465</td>
<td>141</td>
<td>606</td>
<td>587</td>
<td>19</td>
</tr>
<tr>
<td>Moved</td>
<td>327</td>
<td>254</td>
<td>73</td>
<td>349</td>
<td>303</td>
<td>46</td>
</tr>
<tr>
<td>Moved out of MD</td>
<td>449</td>
<td>330</td>
<td>119</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Moved into MD</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>441</td>
<td>386</td>
<td>55</td>
</tr>
<tr>
<td>Total</td>
<td>1,382</td>
<td>1,049</td>
<td>333</td>
<td>1,396</td>
<td>1,276</td>
<td>120</td>
</tr>
</tbody>
</table>

2005: 76% reside inside restriction zone  
2009: 91% reside inside restriction zone
At large offenders by jurisdiction

<table>
<thead>
<tr>
<th>Municipalities</th>
<th>Count 2005</th>
<th>Count 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>No local ordinances (n=11)</td>
<td>174</td>
<td>185</td>
</tr>
<tr>
<td>Local ordinances (n=24)</td>
<td>590</td>
<td>563</td>
</tr>
<tr>
<td>Unincorporated</td>
<td>618</td>
<td>648</td>
</tr>
<tr>
<td>Total</td>
<td>1382</td>
<td>1396</td>
</tr>
<tr>
<td>Hialeah (no ordinance)</td>
<td>127</td>
<td>130</td>
</tr>
<tr>
<td>Miami (2,500 feet)</td>
<td>275</td>
<td>267</td>
</tr>
<tr>
<td>Miami Gardens (2,500 feet)</td>
<td>105</td>
<td>129</td>
</tr>
<tr>
<td>Homestead (2,500 feet)</td>
<td>44</td>
<td>32</td>
</tr>
</tbody>
</table>
### Clustering of offenders at same address

<table>
<thead>
<tr>
<th>Number of offenders at same address</th>
<th>2005</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1294</td>
<td>1272</td>
</tr>
<tr>
<td>2</td>
<td>29</td>
<td>39</td>
</tr>
<tr>
<td>3</td>
<td>7</td>
<td>10</td>
</tr>
<tr>
<td>4</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>5</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>8</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>1382</td>
<td>1396</td>
</tr>
</tbody>
</table>
Example locations

Apartments Dunham Blvd: 0 in 2005, 4 in 2009

Camillus shelter: 5 in 2005, 3 in 2009

Trailer park NW 36th St: 1 in 2005, 4 in 2009

Trailer park NW 27th Ave: 1 in 2005, 8 in 2009
Other types of clustering

Offenders in 2005: 4
Offenders in 2009: 14

Completely inside 2009 restrictions
City of Miami has 2,500 ft restrictions; 3 public school bus stops in this neighborhood; entire area inside restriction zone

Partially inside 2009 restrictions
Unincorporated; area falls partially inside restriction zone due to nearby daycares, parks and schools.

Offenders in 2005: 3
Offenders in 2009: 26
Clustering

• Global
  – No statistically significant changes in global clustering

• Local
  – More locations with multiple offenders at same address
  – Several neighborhood-level hotspots

• Types of local hotspots
  – Trailer parks
  – Low-cost apartment complexes
Summary

• Housing study (2009)
  – Theoretical availability of affordable housing greatly reduced
  – Actual availability of low-cost rental units virtually eliminated
  – Available housing concentrated in small, isolated pockets

• Mobility study (2005-2009)
  – Highly mobile population
  – Dramatic increase in “transient” offenders (n=179)
  – Most offenders reside inside restriction zone (76% in 2005, 91% in 2009)
  – Modest shift in counts per jurisdiction
  – Increase in local clustering
IN THE CIRCUIT COURT OF THE ELEVENTH
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

CASE NO: 0 9 - 5 1 2 0 5 C A 1 3

BRYAN A. EXILE and
ELLIOTT M. BLOOM,

Plaintiffs,
v.
MIAMI-DADE COUNTY,
Defendant.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs BRYAN A. EXILE and ELLIOTT M. BLOOM, through their counsel, sue
MIAMI-DADE COUNTY and ask this Court to declare that Florida law preempts Miami-
Dade County’s Sexual Offender and Sexual Predator Ordinance, Art. XVII, Ord. 21 277
through 21-284 and to enjoin enforcement of the County’s Ordinance.

I. INTRODUCTION

Scores of sex offenders and sexual predators live “like post-
apocalyptic trolls beneath a bridge in the middle of Biscayne
Bay.”

1. Plaintiffs, residents of the Julia Tuttle Causeway shantytown (“the shantytown”),
challenge Miami-Dade County’s Sexual Offender and Predator Ordinance (“Ordinance”) as
preempted by Florida state law. The Florida Legislature has enacted a complex statutory
scheme to regulate, rehabilitate and safely reintegrate convicted sex offenders into society.
As part of that scheme, Plaintiffs, sex offenders who have served their sentences and are
released on probation, are forbidden from establishing a residence within 1,000 feet of “any

1 Fred Grimm, Woman Joins Sex-Offender Group Living Under Julia Tuttle Causeway,
WHEREAS, in contrast, almost all of the municipal ordinances enacted to date tend to create zones in which sexual offenders are almost completely excluded from available housing, because nearly all residential units in a developed area are within 2,500 feet of schools, daycares, parks, playgrounds, bus stops, or one of the other points on which the municipal buffer zones are based; and

WHEREAS, these municipal ordinances have had the unintended effect of shifting the only available housing for sexual offenders to the unincorporated areas of the County and to those cities that have not yet enacted sexual offender residency ordinances; and

>>All municipal ordinances in Miami-Dade County establishing sexual offender or predator residency restrictions are hereby preempted and shall stand repealed.<<  [[Notwithstanding any
Julia Tuttle Causeway sex offender enclave being dismantled

BY JULIE BROWN
J.BROWN@MIAMIHERALD.COM

The make-shift shantytown under the Julia Tuttle Causeway -- once home to more than 100 sex offenders -- is finally being dismantled.

The people living under the bridge have been a major source of controversy for years, stirring up political debate over where sex offenders should be allowed to live after their release from prison.

On Friday, a handful of residents -- not all of them sex offenders -- wandered amid the piles of wood, mattresses, empty tin cans and shredded tents that was once home to the excommunicated community.

In recent days, the shacks have been torn down, as officials with the Miami-Dade Homeless Trust slowly relocate the offenders to apartments, motels and trailer parks with promises that their rent will be paid for up to six months.

"They are moving people out of here left and right," said Terry Morton, a sex offender who has lived in a camper parked in the bushes for about a year.
Miami hotel evicts sex offenders

BY JENNIFER LEOBOVICH AND ADAM H. BEASLEY
jlebovich@MiamiHerald.com

More than a dozen sex offenders who had once lived under the Causeway remained in limbo Monday, days after being evicted, and had been placed in by homeless advocates.

In all, 16 offenders, currently on probation, were kicked out of Suites hotel, 6605 NW Seventh St., on Saturday, according to Corrections spokesmen. An unknown number said Plessinger, a spokesman for Florida Department of Corrections.


Sex offenders face homelessness in Miami

Published: July 27, 2010 at 5:46 PM

MIAI, July 27 (UPI) -- Mostly unemployed Miami sex offenders, on the verge of losing their state-funded housing, face the prospect of becoming homeless, officials said.

Miami-Dade County cleared out a camp of sex offenders living under a bridge a few months ago, but officials fear restricted housing laws requiring sex offenders to stay 2,500 feet away from where children gather and lack of their own money for rent may cause a homeless community elsewhere, the Miami Herald reported Tuesday.

"If they can't afford rent, we may be back to square one. The problem with this solution it was only temporary, a Band-Aid," said Jill Levenson, a professor at Lynn University in Boca Raton who is studying the impact of residency restrictions.

When the camp was torn down, officials found housing for the 92 men and women and funds to pay six months' rent, which cost the county $1 million, the Herald reported.

"It feels like moving us from that bridge was just a publicity stunt. How do they expect me to find a place to live? I'm not a millionaire," said Homer Barkley, 44, who pleaded guilty to sexually assaulting a 10-year-old girl and served time. His six-month lease will expire Sunday.

Officials in Miami try to allay neighbors' sex-offender fears

BY THEO KARANTSAKIS
Special to The Miami Herald

Northeast Miami remained worried this week that officials had visited with them for the second time in a month about a homeless encampment.

Homeless Trust chairman Ron Book, along with Ronald Brise and County Commissioner Larry Feldman, met with residents of the southeast Homeowners Association on Emerson Street in late April after residents learned the homeless were moving into their neighborhood from their previous home on Northwest 34th Terrace.

While they met with residents this week, they were not able to get any commitments from officials that they'd seek relocation options for the encampment.

"We are not going to put anybody out in the cold," Book said.
Court upholds Miami-Dade sex offender law

By JENNIFER LEOVICH
jlebovich@MiamiHerald.com

A Miami-Dade County law that prohibits sex offenders from living within 2,500 feet of schools does not conflict with a less-restrictive state law, an appeal court ruled Wednesday in upholding the decision of a Miami-Dade judge.

The American Civil Liberties Union had filed suit against the county on behalf of two sex offenders, Bryan A. Exile and Elliot M. Bloom, who had been forced to live under the Julia Tuttle Causeway because of the restrictive ordinances. The ACLU had argued the county law conflicted with the state’s 1,000-feet state statute. A Miami-Dade judge in November ruled in favor of the county.

Howard Simon, executive director of the ACLU of Florida, said he was disappointed with Wednesday’s ruling. “Problems with homeless and transient sex offenders remain, and will recur, as long as the county insists on exceeding the requirements of state law,” he said.
Address Search
To find the schools, day cares and parks within the specified distance from an address, enter the address and click Locate.

House Number: 1601
Direction: 
Street Name: Biscayne
Street Type: BLVD
Zip Code (opt): 33132

*Duplicate address - Zip code required.

Report

View Offenders/Predators Location Report

Schools, Daycares and Parks Report
* Warning, the following Schools, Day Cares and Parks were found within the buffered area of the property:

Charter School
ASPIRA EUGENIO MARIA DE HUSTOS YOUTH LE
1 NE 19TH ST

Day Care
MCPS / PRIMARY I FARMING CENTER
1500 BISCAYNE BLVD

TEMPLE ISRAEL OF GREATER MIAMI
137 NE 19TH ST
Future / Ongoing Work

- Update for 2010, 2011
- More accurate timeline
- Parole conditions for individual offenders
- Replicate for other study areas
Funding Support

Miami Coalition for the Homeless. Inc.

ACLU Greater Miami Chapter
Questions?

Living under the Julia Tuttle Causeway in Miami

www.paulzandbergen.com
www.aclufl.org/pdfs/SORRStudy.pdf
www.aclufl.org/pdfs/SORRSummaryDeclaration.pdf
www.aclufl.org/tuttle