



U.S. Department of Health & Human Services

Administration for Children & Families



Registered Sex Offenders in Disaster Shelters and Evacuation Planning

Stephen J. Miller

Federal Dept. Health and Human Services

ACF- Region 8 Denver



My Presentation Outline

- A Little About Me
- My Interest in the Topic
- What I Proposed for My Presentation
- My Contact Information and Reference Material

Stephen J. Miller

*Federal Department of Health and Human Services
Administration for Children and Families - Region 8
1961 Stout Street, Denver, Colorado 80294
Office (303) 844-1170*

Stephen.Miller@acf.hhs.gov

- Reference Materials/Statutes for Florida, Texas, Mississippi, and Louisiana are posted on the Region 8 web site:
<http://www.acf.hhs.gov/programs/region8/index.html>



Discussion Topics

- General Observation
- The Net Result
- Number of Offenders
- Initial Issue in Sheltering Sex Offenders
- Intake Screening Critical
- Burden on the Shelter
- The Alternatives
- Segregation Public Policy Issues
- No Current Laws or Best Practices Guide
- The Perceived Threat Argument



Discussion Topics

- The Evacuation and Shelter Situation is Unique
- The Red Cross Approach as an Example
- Remedies
- State Examples – Louisiana the better of the 4 states
- Discussion and Questions



A Little About Me

- The Regional Emergency Management Specialist (REMS) for the Administration for Children and Families – Region 8 Denver – covering 6 states (Utah, North Dakota, South Dakota, Wyoming, Colorado, and Montana)
- B.A. – DePaul University
- M.S.- Southern Illinois University
- J.D. – Northern Illinois University
- LL.M. – John Marshall Law School
- Retired Captain – Illinois State Police
- Legal Instructor (2000–2008) Northwestern University



Interest in Topic

- Under ESF-6, ACF supports FEMA in issues relating to Mass Care, Emergency Assistance, Housing, and Human Services
- In recent disasters ACF and others have been involved in monitoring shelters for needs and various issues that arise
- Based on my law enforcement background, the issue of Registered Sex Offenders in shelter situations peaked my interest
- Regardless of personal opinion, state laws have made this group a kind of Special Needs Population that must be recognized and addressed in shelter management policy



What I Proposed For My Presentation

- Survey statutory requirements in 4 “vulnerable disaster states”: Texas, Florida, Mississippi, and Louisiana
- Identify any special law requirements imposed on sex offenders related to disaster shelters in those states
- Identify any statutory provisions imposed on private or public shelters related to registered sex offenders
- Review the American Red Cross policy and practice in shelter screening for registered sex offenders
- Urge the development of a better “best practices”
- Suggest better coordination of statutory language dealing with sex offenders among states who have shared disaster threats



My Contact Info and Reference Material

- Stephen J. Miller
Federal Department of Health and Human Services
Administration for Children and Families - Region 8
1961 Stout Street, Denver, Colorado 80294
Office (303) 844-1170
Stephen.Miller@acf.hhs.gov
- Reference Materials/Statutes for Florida, Texas, Mississippi, and Louisiana are posted on the Region 8 web site:
<http://www.acf.hhs.gov/programs/region8/index.html>



General Observation

- While the states have passed legislation requiring the registration of sex offenders and adopted specific provisions in order to comply with certain Federal law requirements, state sex registration statutes are **NOT**:
 - 1) uniform in their classification of offenders;
 - 2) similar in their registration or reporting requirements;
 - 3) consistent in the status notations on state ID's or DL's;
 - 4) clear on the authority of local government to impose additional rules on offenders;
 - 5) uniform on the restrictions imposed on sex offenders in permanent, temporary, or emergency shelter settings; and
 - 6) clear on the duties and responsibilities of shelters in dealing with sex offenders.



The Net Result – Uncertainty and Confusion

- The very nature of a disaster situation that displaces people from their homes and communities causes uncertainty and confusion.
- My experience in law enforcement has taught me that individuals who have been convicted of a serious crime, love the opportunities uncertainty and confusion create for them.
- As responders, we have an obligation to minimize uncertainty and confusion especially in the designated tasks for which are responsible during a disaster.
- Setting aside the right or wrong of the stigmatization issue, sex offenders in shelters demands a clear and consistent policy and practice.



In 4 States - Number of Registered Sex Offenders

- Florida – 53,290 – 1,028 MIA per state 1/25/2010
- Mississippi – 5,803 – 193 MIA per state 1/22/2010
- Louisiana - 7,510 *
- Texas – 58,982 *
- Over 600, 000 Nation Wide*

*Source:

www.familywatchdog.us/offednercount



Initial Issue In Sheltering Sex Offenders

- Identifying a registered sex offender based on:
 - Self disclosure during intake
 - State identification presented by the offender
 - Claim of no identification available – verbal ID
 - State identification not indicating offender status

Remember: Registered Sex Offenders are not limited to Males, but can include Females and Juveniles (generally 14 and up) if they have a qualifying offense under the particular state statute.



Intake Screening Critical

- Self disclosed and state id indicating person to be registered sex offender – certainly the easiest
- Claim of no identification available (verbal ID) or State identification not indicating offender status - the most difficult situation

Note: Most state statutes warn that a positive identification of a sex offender is only via a fingerprint check and not a mere name check.



Burden on the Shelter

- Management and Staff recognition of the issue
- Intake – is more than just getting a name
- An understanding of the state / local law regarding temporary housing for sex offenders
- Having a shelter policy in place to deal with identified offenders, undocumented persons, and persons in states where offender status is not noted
- Assuring shelters have access to updated sex offender lists or are in direct cooperation with local law enforcement in screening shelter occupants.



So What Are The Alternatives

- Common Response - Segregate sex offenders from others in other shelter locations – but where?
Note: Most state laws impose distance restrictions from schools, parks and recreation facilities – with no emergency provision regarding shelter situations
- Extreme – Some offenders asked to report to jail facilities if alternative disaster shelters are not available
- Are VOADS prepared to offer alternative shelters?



Segregation Public Policy Issues

- Are the segregated shelters equal in services and quality of care?
- Do you separate juvenile offenders from their families?
- Do you separate adult from juvenile sex offenders?
- If you don't separate adult and juvenile offenders, how do you supervise a common segregated shelter?
- Does management attempt to provide "Mental Health/Counseling Services" recognizing the special issues/needs of the sex offender shelter population?



No Current Law or “Best Practices” Guide

- Current state laws provide no direction on the public policy issues
- Research has failed to discover any source for any “Best Practice” approach on the public policy issues
- Result: A piece meal approach – make it up as we go along – resulting in little pre-disaster preparedness where sheltering might become a requirement – different approaches or lack of approaches depending on the shelter management – variation from state to state if inter-state re-locations are required.
- The Net Result – Uncertainty and Confusion



Is the Perceived Threat of Sex Offenders Real?

- Human Rights Watch publication “No Easy Answers” (Sept. 2007) suggests that public safety restrictions on sex offenders are based on “mistaken premises”
 - offenses against children are by family or friends, not strangers – recidivism is not a proven fact among most offenders – living restrictions overbroad - and registration requirements include to many offenses, are unreasonable in duration and are not based on true risk factors -
 - unrestricted access to sex offender list is offensive to privacy



The Evacuation and Shelter Situation Is Unique

- Number of adults and children in close proximity
- Greatly reduced privacy standards
- Fragile emotional nature of adults and children during disaster sheltering
- Increased emphasis on cooperating/ trusting others with whom you are sharing the experience of living in a shelter
- Often misplaced trust adults have with another adult in watching over their children for even short periods of time
- Enormous amounts of idle/boring time in the shelter
- Potential lack of management supervision of shelter residents



Red Cross Approach

- Registration forms ask if clients are required to register with the state for any reason– if yes referred with a shelter manager
- May disclose shelter client information to local law enforcement when asked to do so
- If a resident is identified as a registered sex offender, will work with local law enforcement to determine what is best for safety of those in the shelter
- Will follow state requirements regarding sex offenders
- Requests for shelter lists handled on case by case basis after consulting with their Office of General Counsel



Red Cross Approach

- Red Cross does not advocate for or against laws requiring separate accommodations for registered sex offenders
- (Source: ARC Talking Points, June 2009)
- So the question is: Is this enough?
Certainly without a more specific mandate created by law on:
1) the duty or responsibility of a shelter to identify registered sex offenders, 2) what shelter arrangements are required, or
3) the need for a pro-active interface with law enforcement in exchanging offender information, it would appear that gaps exist.



Remedies

- There needs to be better sensitivity to the potential issue of sheltering registered sex offenders by those in the sheltering business
- Specific policies within sheltering organizations on how to screen for registered sex offenders at intake
- Disaster planning should make provisions for where and how registered sex offenders should be sheltered
- Law enforcement and shelters need to improve the exchange of information in screening for registered sex offenders
- Sex offender shelters with appropriate counseling support need to be pre-designated before a disaster strikes



State Law Highlights

- **Louisiana** – Register with Sheriff /PD- temp lodging 7 days or more – verification by mail – out of state persons- unlawful presence restrictions (1,000 ft school or vehicle when under 18 present- public park or rec. facility) - Sex Offender ID cards (“Sex Offender” - Orange in Color) must be carried at all times- Flagged Driver’s License (‘Sex Offender” - Orange in Color)
- **Affirmative Duty** – RS 15:545 Emergency Shelter SHALL access the current State Police offender web site OR have a current copy of said list



State Law Highlights

- **More Louisiana – RS 29:726**
- **During an Emergency:** Shelters shall not knowingly house or shelter s/o's in same area with others –s/o's shall be provided alternative shelter separate and apart
- **After an Emergency:** S/o's shall not knowingly be housed in any FEMA funded housing with others – shall be provided alternative FEMA shelter
- **Duty if aware of a s/o being housed REQUIRED to notify and disclose to the sheriff even if in a separate area of the shelter (duty applies to all including charitable organizations)**



State Law Highlights

- **Texas – Operation Safe Shelter Program, Attorney General’s Office – No affirmative duty to check or segregate – 450 delinquent warrants issued a month for MIA offenders – offers a 1-800 number for shelters – clears both state and national register – no ID or DL special designation – no affirmative duty to report- no specific statutes dealing with shelters (so reports the state) – state does not pro-actively engage in shelter screening (so reports the state)**



State Law Highlights

- **Mississippi** – Sex registration card says offender but DL is not nor it linked to DL check – state not involved in shelter screening – no affirmative duty for shelters to notify state- no specific state statute dealing with sex offenders in shelter situations
- **Florida** – IDs and DLs have statute cite indicating sex offender (unknown if shelters know the coding- no active program for screening shelters – no affirmative duty to report offender – local governments can pass attention rules