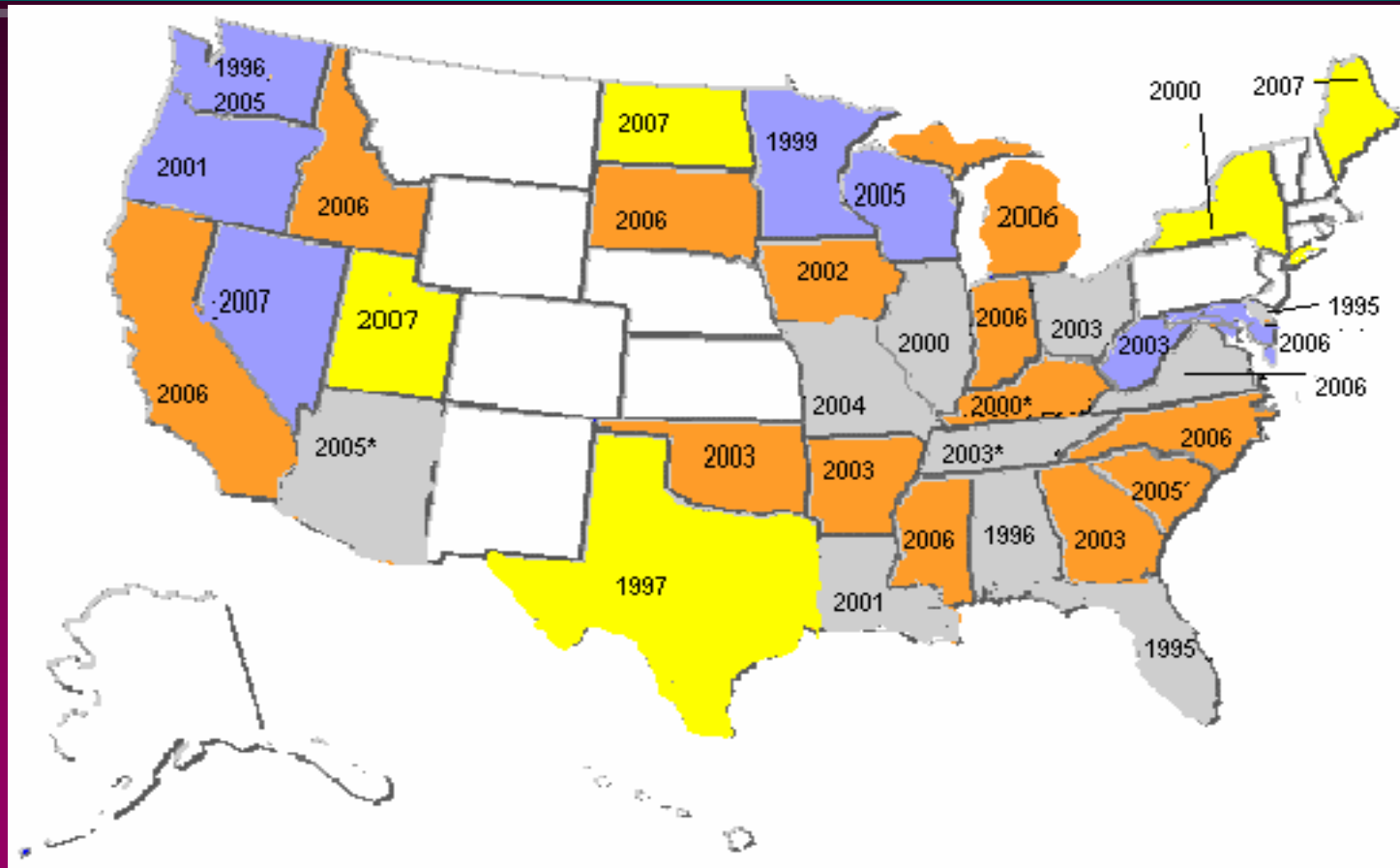


Legislative History of Sex Offender Residence Restrictions

- 1994 – Wetterling Act, SO registration
- 1996 – Megan’s Law, community notification increased awareness of SOs living nearby
- In 2004, 14 states had residence restrictions, most commonly 500 – 1000 feet.
- By 2007, 30 states had residence restrictions
- Hundreds (thousands?) of local jurisdictions (cities, towns, and counties) nationwide have passed zoning laws, often 2500 feet (about one-half mile).

State Residency & Mobility Restrictions: First Known Effective Date



*Passed, Repealed, Passed (PRP)

Orange—Registered

Gray—Convicted

Blue—Community-Based Sanctions

Yellow—Mobility Restrictions

Colorado Department of Public Safety. (2004). *Report on safety issues raised by living arrangements for and location of sex offenders in the community*. Denver, CO: Sex Offender Management Board.

- In Colorado, 130 sex offenders on probation were tracked for 15 months (Colorado Department of Public Safety, 2004).
- Fifteen (12%) were rearrested for new sex crimes, and all were “hands off” offenses (peeping, voyeurism, or indecent exposure).
- Recidivists were randomly scattered throughout the study area, and did not seem to live closer than non-recidivists to schools or child care centers.
- Researchers concluded that residence restrictions are unlikely to deter sex offenders from committing new sex crimes, and that such policies should not be considered viable strategies for protecting communities.

Minnesota Department of Corrections. (2003). *Level three sex offenders residential placement issues*. St. Paul: author.

- Minnesota: 329 “level three” sex offenders (those considered to be at highest risk for reoffense) tracked for 3 to 6 years (Minnesota department of corrections, 2003).
- 4% recidivism (13 cases)
- None of the offenses occurred in or near schools.
- Two of the offenses did take place near parks, but the park areas were several miles from the offenders’ homes and the offender used a car to drive to the crime scene.
- Researchers concluded that sex offenders’ residential proximity to schools or parks was not a factor in recidivism, nor did it impact community safety.
- They advised that blanket policies restricting where sex offenders can live are unlikely to benefit community safety.
- They did suggest that case-by-case restrictions may be an appropriate supervision strategy when based on the risks and needs of each individual offender.

Duwe, G., Donnay, W., & Tewksbury, R. (2008). Does residential proximity matter? A geographic analysis of sex offense recidivism. *Criminal Justice and Behavior*, 35(4), 484-504.

- **Minnesota DOC analyzed 224 recidivistic sex offenses and concluded that**
- **“not one of the 224 sex offenses would likely have been deterred by a residency restriction law” (p. 2).**
- **The majority of the sex offenders (79%) victimized someone known to them, and half of the assaults against strangers occurred more than one mile from the offenders’ homes.**
- **Of the 16 unknown juvenile victims with whom contact was established within one mile of the offender’s home, none of these relationships were cultivated near a school, park or playground.**

There is no research indicating that sex offenders' proximity to schools increases their likelihood of recidivism, or that residence restrictions are successful in preventing sexual abuse or protecting children.

Transience and recidivism

- In Georgia, residential instability was found to be a robust predictor of reoffending; the likelihood of re-arrest increased by 25% each time a parolee moved (Meredith, Speir, Johnson, & Hull, 2003).
- Released prisoners living in temporary shelters in New York were more likely to use drugs and alcohol, to be unemployed, and to abscond from probation or parole (Nelson, Deess, & Allen, 1999).
- An unstable living arrangement was the strongest predictor ($r = .29$) of parole absconding in a sample of over 4,000 parolees in California (Williams, McShane, & Dolny, 2000).
- National sample ($n = 2,030$): Probationers who moved more than once during probation were almost twice as likely to have had a disciplinary hearing (Schulenberg, 2007).

Stability and crime desistance

- Housing (and especially property ownership) are related to the development of social bonds, which facilitate crime desistance via a complex interaction of prosocial networks and a non-deviant identity (Laub & Sampson, 2001).
- Community connections and positive interpersonal relations create psychological and social rewards, which serve to reinforce one's investment in conformity and deter involvement in crime.
- Employment and family relationships, particularly marriage, have consistently been linked to desistance from crime (Laub & Sampson, 2001).
- Lifestyle instability is a risk factor for general and sexual recidivism (Andrews & Bonta, 2003; Hanson & Harris, 1998)
- Sex offenders with positive support systems are less likely to reoffend and violate probation than those who have negative or no support (Colorado Department of Public Safety, 2004).
- Thus, housing instability and subsequent disengagement from family and community appear to increase the risk for recidivism.

Sex offender reports of consequences of Residence Restrictions

Levenson & Cotter (2005) n = 135

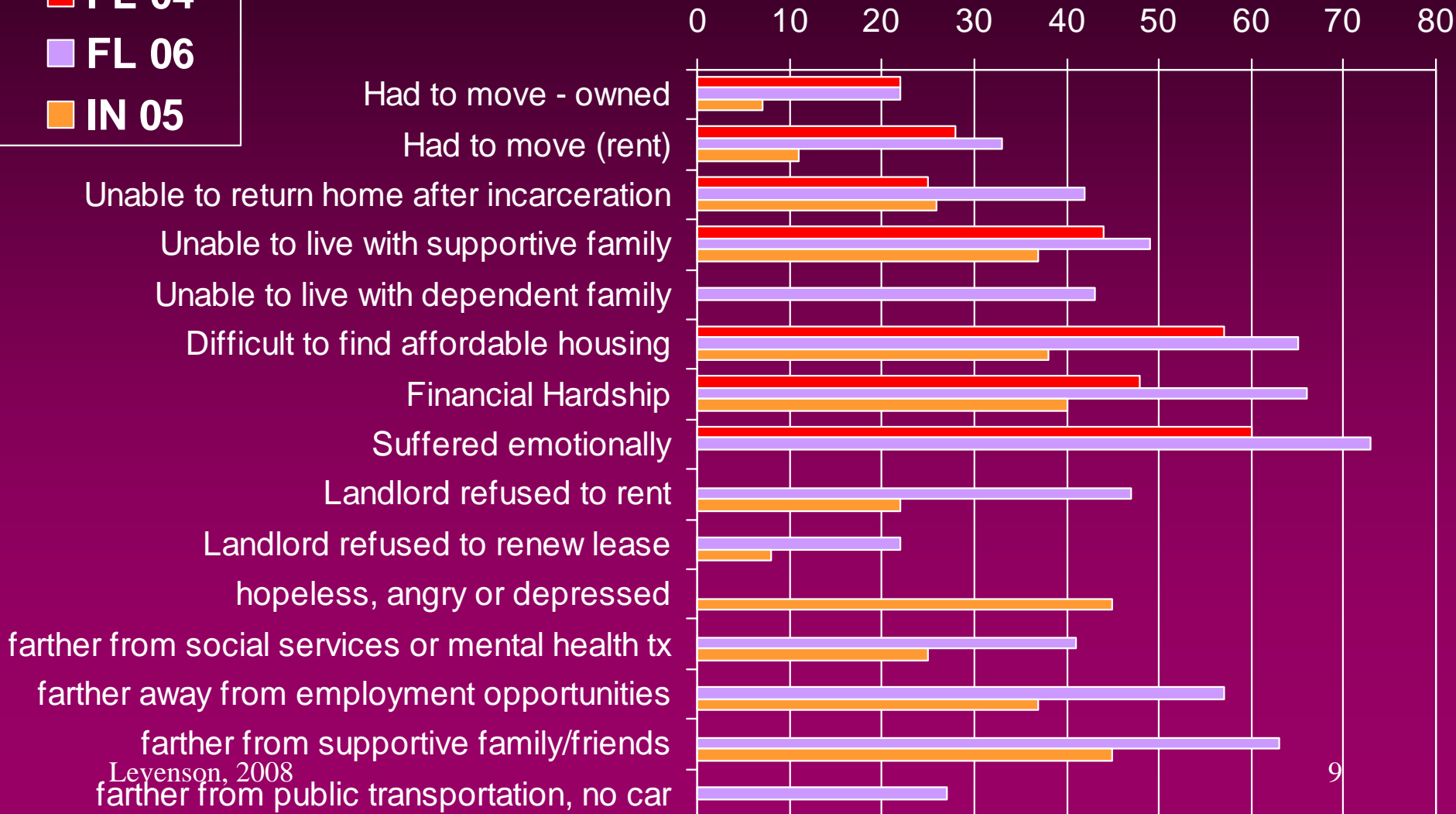
Levenson (2008) n = 109

Levenson & Hern (2007) n = 148

FL 04

FL 06

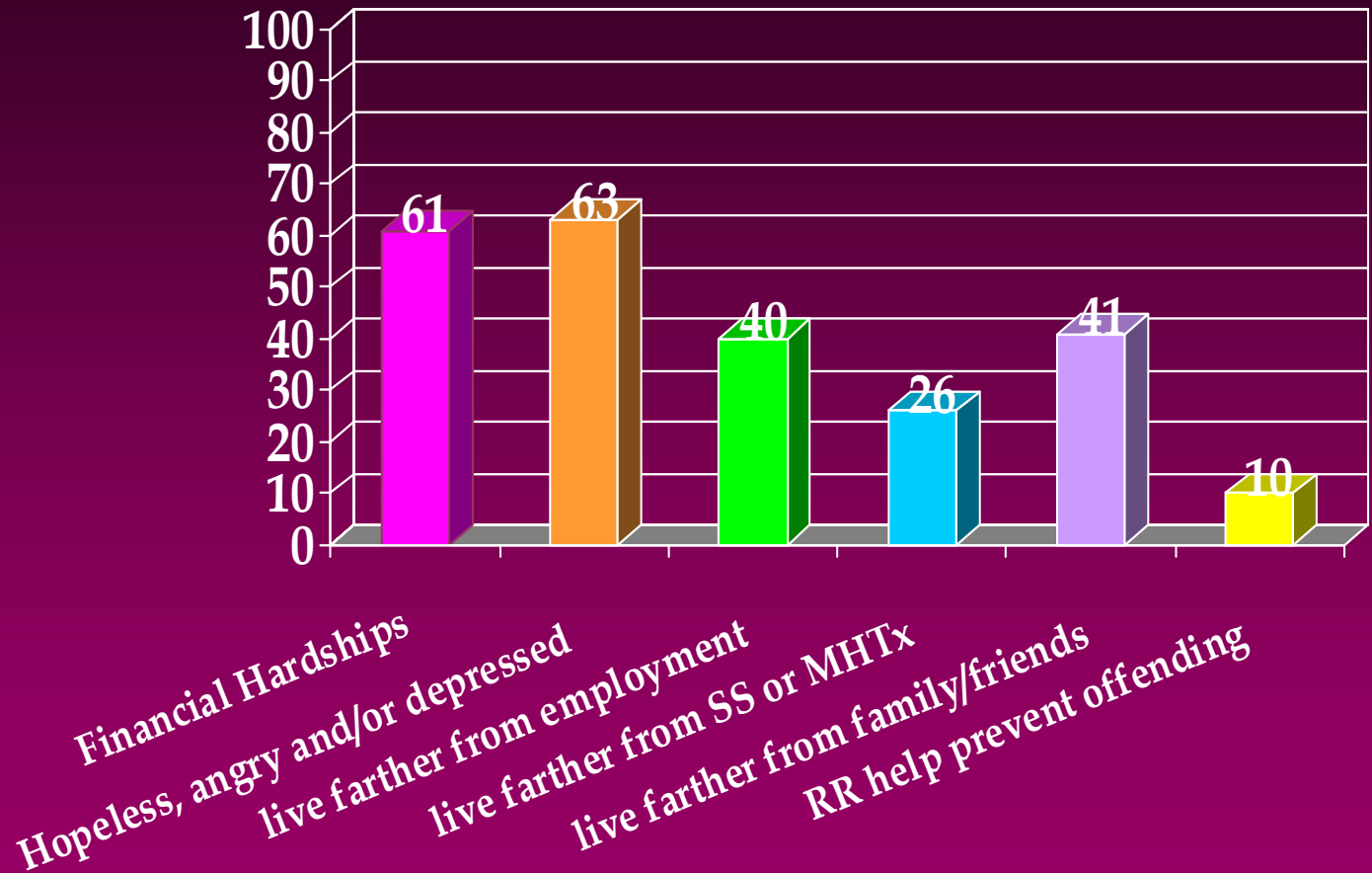
IN 05



Levenson, 2008

Mercado, Alvarez, & Levenson
(2008) SAJRT
NJ (n = 137)

Impact of
Residence
Restrictions
in NJ



Levenson, J. S. (2008). Collateral consequences of sex offender residence restrictions. *Criminal Justice Studies*, 21(2), 153-166.

Percentage reporting being homeless for two or more days:	39%
Average number of moves	2
Percentage reporting 3 or more moves	22%

Perceptions about utility of residence restrictions in preventing recidivism (n = 109)	% endorsing “agree” or “strongly agree”
I am more able to manage my risk factors	17%
Residence restrictions are successful in limiting access to children	9%
I believe that residence restrictions help me to prevent offending	7%
I believe that residence restrictions protect children from sex offenders	12%
If I wanted to reoffend I could do so despite residence restrictions	74%

Which places create most difficulty finding housing? (FL)

Bus stops	28%
Schools	22%
Swimming pools (other place where children congregate)	20%
Daycare centers	15%
Parks & Playgrounds	15%
Other: Churches, fast food playgrounds	20%

FL

	Offender age	Years of education	Income	Most recent victim age	Proximity Zone ^a
Had to move out of a house that I owned	-.16	.12	-.10	.23*	.02
Had to move out of a rental	-.23*	-.12	-.10	.02	.21*
When released from prison, unable to return home	-.27**	.00	-.02	.11	.11
Unable to live with supportive family	-.26**	.00	-.12	.00	.15
Landlord refused to rent to me	-.32**	.19	-.06	.05	.06
Landlord refused to renew lease	-.25*	.17	-.06	.05	-.02
Have found it difficult to find affordable place to live	-.29**	-.10	-.17	-.03	.16
Spent time in jail due to residence violation	-.25*	-.03	-.20*	-.14	-.03
Number of days homeless	-.26*	.05	-.05	.02	.33**
Number of moves	-.24*	-.05	.08	-.15	.19
Live farther away from employment	-.12	.02	-.04	.06	.22*

Indiana

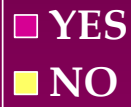
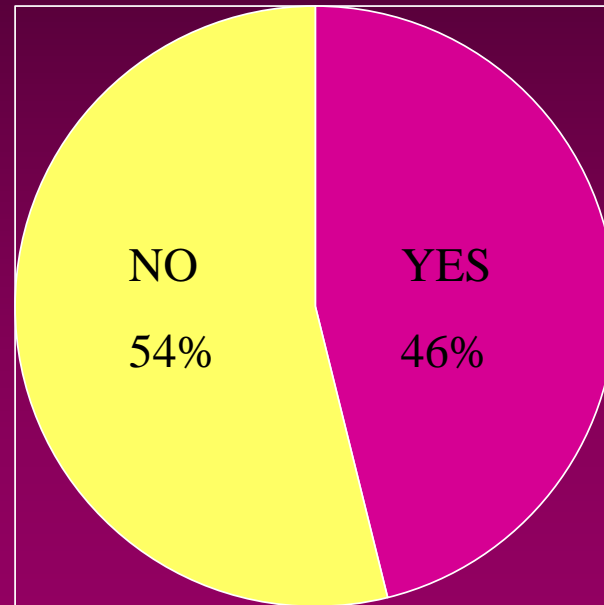
	Offender age	Years of education	Income	Most recent victim age	Months on probation
Had to move out of a house that I owned	.05	-.03	-.02	-.11	.16
Had to move out of a rental	-.08	-.15	-.08	-.10	.17
When released from prison, unable to return home	-.01	-.08	-.15	-.15	.03
Unable to live with supportive family	-.21*	-.12	-.15	-.08	.00
Landlord refused to rent to me	-.14	.00	.00	.00	.15
Landlord refused to renew lease	-.08	.00	.03	.01	-.08
Have found it difficult to find an affordable place to live	-.31**	.00	.00	.04	-.04

CNN public opinion poll

- Created: Thursday, April 05, 2007, at 19:43:21 EDT

- **Is it okay to have laws that mean child sex offenders cannot live anywhere legally?**

- **Yes - 46%**
- **31483 votes**
- **No - 54%**
- **37503 votes**
- **Total: 68986 votes**



Do you think the following strategies are effective in reducing sexual offenses?

	% answering "yes"		
Community notification	83%	I would support these policies even if there is no scientific evidence showing that they reduce sexual abuse. (73%)	
Restricting where sex offenders can live	58%		
Treatment in prison	71%	Partially true	24%
Treatment in the community	65%	Completely true	49%
Community education	55%	Levenson, J. S., Brannon, Y., Fortney, T., & Baker, J. (2007). Public perceptions about sex offenders and community protection policies. <i>Analyses of Social Issues and Public Policy</i> , 7(1), 1-25.	
Chemical castration	51%		
Restitution	38%		
Prison	67%		
Electronic monitoring	62%		

Iowa County Attorneys Assn (2006)

- Called to rescind the law, asserting that as more sex offenders become homeless and transient, law enforcement authorities are less able to monitor their day-to-day activities (Iowa County Attorneys Association, 2006).
- “damage to the reliability of the sex offender registry does not serve the interest of public safety” (p. 2)
- “there is no demonstrated protective effect...that justifies the drainage of...resources” (p. 2).

Iowa County Attorneys Assn (2006)

- “the categories of crimes included are too broad, imposing the restrictions on many offenders who pose no known risk to children in the covered locations” (p. 2).
- Have caused a decline in confessions and plea agreements, overwhelming the criminal justice system with trials and leading to some sex offense charges being dropped. As a result, many sex offenders will go unpunished and without treatment.
- Recommended sex offender risk assessment so that housing restrictions could be applied only to those who pose a threat to unknown children in public places.

Victims groups oppose residence restrictions

- National Alliance to End Sexual Violence
 - “Sex offenders who continually move or become homeless as a result of residency restrictions are more difficult to supervise and monitor, thereby increasing the risk of re-offense....”
 - “Because residency requirements cause instability, which may increase the risk of re-offense, NAESV opposes residency restrictions. ”

Victims groups oppose residence restrictions

- California Coalition Against Sexual Assault
 - The coalition of rape crisis centers and sexual assault prevention programs criticize residence restrictions as “a short-sighted approach to sex offender management that will place California communities in greater danger.”
 - “This combination of policies creates a variety of unintended consequences. One is that there will be a general migration of sex offenders to rural communities who simply cannot monitor them, while on the other hand, the remainder of offenders in urban areas will simply go underground, failing to register.”

Public statements AGAINST residence restrictions

- Iowa County Attorney's Association
- NAESV
- www.naesv.org
- www.nacdl.org