

Collateral Consequences of Sex Offender Residence Restrictions

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### Abstract:

The purpose of this study was to investigate the unintended consequences of policies that restrict where sex offenders can live. In Broward County, FL, 109 sex offenders were surveyed regarding the psychosocial, economic, and practical impact of such laws on their daily lives. Results revealed that sex offenders subjected to residence restrictions reported decreased housing availability, increased homelessness and transience, and financial hardship. Residence restrictions forced them to live farther away from employment opportunities, treatment services, and public transportation. Younger offenders were particularly impacted. Low risk offenders were affected equally to higher risk offenders. The vast majority reported that they did not believe that such laws prevent child sexual abuse or assist sex offenders with risk management. The implications of the findings are discussed, including the potential for these laws to create psychosocial stressors that increase risk for recidivism, and to interfere with effective monitoring and supervision of sex offenders. Alternative community protection strategies are recommended.

Keywords: sex offender, residence restrictions, zoning laws, housing, child sex abuse

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Growing concern about sex offenders living in communities has led to the increasing popularity of residence restrictions laws. Such policies prohibit convicted sex offenders from living within close proximity to places where children are likely to be present, such as schools, parks, playgrounds, and bus stops. The goal of these laws is to reduce the amount of contact that sex offenders have with children in residential neighborhoods, thereby preventing victimization.

Residence restrictions have been enacted by states and local municipalities across the United States. By 2004, fourteen states had designated exclusionary zones in which sex offenders could not live (most commonly 1,000 feet from specified places that cater to children) (Levenson & Cotter, 2005). Since the 2005 abduction and murder of 9-year-old Jessica Lunsford in Florida, residence restrictions have become an even more popular mechanism for controlling the potential threat that sex offenders pose to children. In 2006, there were 14 legislative initiatives nationwide which were successful in adding or modifying residence requirements for sex offenders in various states, and 22 states now have laws restricting where sex offenders can live (National Conference of State Legislatures, 2006; Nieto & Jung, 2006). More difficult to estimate is the number of local ordinances enacted by hundreds of cities, towns, and counties since the first of such laws passed in Miami Beach in June of 2005. Most municipal sex offender laws designate buffer zones of 2,500 feet -- about one-half mile.

Residence restriction laws typically prevent sex offenders from residing near schools, parks and playgrounds, but some also include community centers, places of worship, libraries, recreational facilities, skating rinks, or bus stops (Mansnerus, 2006; Southern Center for Human Rights, 2006). Many laws vaguely include "places where children congregate," leaving definitions open to interpretation by local authorities. Often, exclusionary zones leave little property available for sex offender housing, especially in densely populated cities and suburban areas (Minnesota Department of Corrections, 2003; Zandbergen & Hart, 2006). Bus stops are especially problematic because they

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are so numerous and because they are subject to constant movement by school districts (Southern Center for Human Rights, 2006; Zandbergen & Hart, 2006). Most state and local laws allow a “grandfather clause,” meaning that sex offenders who established a residence before the passage of the law do not have to move. New statutes that do not clearly exempt sex offenders who were living in previously established residences are being challenged in Georgia and California, and court injunctions barring the enforcement of the laws are in effect in both states. A judge in Kentucky ruled in April 2007 that ex post facto residence restrictions could not be enforced (“Commonwealth v. Baker, et al.,” 2007).

In 2002, Iowa passed one of the strictest state laws in the nation, banning sex offenders from living within 2,000 feet of schools and daycare centers. A federal judge ruled the law unconstitutional, declaring that it amounted to ex post facto punishment (“Doe v. Miller and White,” 2004). The ruling was later overturned by the 8<sup>th</sup> Circuit Court of Appeals (“Doe v. Miller,” 2005), and the law was upheld as well by the Iowa Supreme Court (“State v. Seering,” 2005). In essence, most courts have thus far ruled that residence restrictions do not violate the constitutional rights of sex offenders and that such laws are reasonable in furthering a state’s compelling interest in protecting its citizens. In New Jersey, however, a Superior Court Judge ruled that a township’s local ordinance was illegal because it conflicted with the state’s “Megan’s Law” which prevents sex offender registration status from being used to deny housing or accommodations (“Elwell v. Lower Township,” 2006).

The belief that the majority of sex offenders will inevitably reoffend is frequently cited in support of laws restricting where sex offenders can live. Interestingly, however, the risk of sex offense recidivism is often exaggerated (Levenson, Brannon, Fortney, & Baker, 2007; Levenson & D'Amora, 2007). Contrary to widespread public perception, the vast majority of sex offenders do not go on to be rearrested for new sexual crimes (Bureau of Justice Statistics, 2003; Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2004; Harris & Hanson, 2004; Sample & Bray, 2003). On

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average, about 5-14% of all sex offenders and 13% of child molesters recidivate (Bureau of Justice Statistics, 2003; Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2004). A longitudinal study found that after 15 years, 76% of nearly 5,000 sex offenders had not been charged with new sex crimes (Harris & Hanson, 2004). Sex offenders also have lower rearrest rates than other types of criminals (Bureau of Justice Statistics, 2003; Sample & Bray, 2003;2006). Although sex offender laws are often passed following abductions and murders of young children, sex offenders very rarely kill their victims and are not more likely to do so than other criminals (Sample, 2006).

Nonetheless, residence restrictions have emerged as an effort to ensure the safety of community residents, especially children, from sex offenders, though little empirical research has investigated the effect of zoning laws on public safety. The few studies that have been conducted shed doubt on the hypothesis that sex offenders' proximity to places where children congregate increases risk or that residence restrictions can prevent recidivism. In Colorado, researchers found that sex offenders who reoffended did not live significantly closer to schools and parks than those who did not recidivate (Colorado Department of Public Safety, 2004). A Minnesota study of 329 high risk sex offenders reported that recidivism occurred in only 13 cases, and in the two reoffenses which took place in parks, the perpetrators lived miles from the crime scene and drove a car to commit the offense (Minnesota Department of Corrections, 2003). A more recent investigation in Minnesota 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" (Minnesota Department of Corrections, 2007, 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 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 (Minnesota Department of Corrections, 2007).

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Arkansas researchers used geographical mapping technology to determine where sex offenders lived, and found that child molesters were more likely to live near schools than offenders with adult victims (Walker, Golden, & VanHouten, 2001). The study did not track recidivism, however, and did not conclude that proximity to schools contributed to reoffending. Other scholars believe that sex offenders' selection of housing is most strongly influenced by economic factors, rather than because they seek to live near potential victims (Tewksbury & Mustaine, 2006). There is some evidence that rapists who target adult victims commit sex crimes within close proximity to their homes (Minnesota Department of Corrections, 2007; Warren, Reboussin, Hazelwood, Cummings, Gibbs, & Trumbetta, 1998).

Other researchers have investigated the impact of residence restrictions on sex offenders. In a survey of 135 Florida sex offenders, about one quarter of the participants reported having to relocate as a result of the state's law requiring them to live more than 1,000 feet from parks, playgrounds, schools, daycare centers, and other places where children congregate (Levenson & Cotter, 2005). About 44% reported that they were unable to live with family members, 57% said that affordable housing was in short supply, and 60% reported emotional distress resulting from housing restrictions. In Indiana, 26% of sex offenders surveyed were unable to return to their homes after being released from prison, 37% were unable to live with family, and almost one-third reported that a landlord refused to rent to them or to renew a lease (Levenson & Hern, 2007). Many (38%) said that affordable housing was less accessible as a result of restrictions on where they could live, and that they were forced farther away from employment, social services, and mental health treatment (Levenson & Hern, 2007).

There is empirical data to confirm sex offenders' reports that residence restrictions greatly diminish housing availability. Using geographical information system (GIS) mapping technology in Orange County, Florida, researchers found that 23% of the 137,944 properties zoned for residential

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use were located within 1,000 feet of schools and 64% fell within 2,500 feet, reducing the number of available residences to 106,888 and 50,108, respectively (Zandbergen & Hart, 2006). A combination of multiple types of restrictions (schools, parks, daycare centers, and bus stops), reduced the number of dwellings available for sex offenders to 4,233 within 1,000-foot buffer zones and 37 within 2,500-foot buffer zones. When considering the constraint categories individually, bus stops were found by far to be the most restrictive (93% of residences fell within 1,000 feet of a bus stop and 99.6% were within 2,500 feet). Moreover, these numbers represent all existing properties and it is likely that only a small portion are available for rent or purchase at any given time.

Concerns have been raised regarding the potential for residence restrictions to disrupt stability and contribute to psychosocial stressors which can increase risk (CALCASA, 2006; Iowa County Attorneys Association, 2006; Levenson & Cotter, 2005; Levenson & Hern, 2007; NAESV, 2006; Nieto & Jung, 2006; Zandbergen & Hart, 2006). Research suggests that sex offenders without positive social support systems and stable employment recidivate at higher rates than those with jobs or ties to the community (Colorado Department of Public Safety, 2004; Kruttschnitt, Uggen, & Shelton, 2000). Risk factors associated with sex offense recidivism include a lack of social support, negative moods, lifestyle instability, and anger or hostility (Hanson & Harris, 1998;2001).

Prosecutors, police, and victim advocates have publicly denounced residence restrictions, asserting that they cause more problems than they solve (CALCASA, 2006; Iowa County Attorneys Association, 2006; NAESV, 2006). In Iowa, residence restrictions led to the displacement of thousands of sex offenders, many of whom became homeless or transient, making them more difficult to track and monitor. Within six months of the implementation of Iowa's law, the number of registered sex offenders who could not be located more than doubled (Rood, 2006). Law enforcement agents cautioned that the transience created by residence restrictions damages the reliability and validity of sex offender registries, which does not serve the public's best interest (Iowa County Attorneys Association, 2006).

### Purpose of the Study

The purpose of this exploratory study was to examine the impact of residence restrictions on sex offenders in Broward County, Florida. Specifically, the intent was to explore the financial, psychosocial, and practical impact of housing restrictions on sex offenders' community adjustment. As well, a goal was to better understand the perceptions of sex offenders regarding the utility of residence restrictions in protecting children from sexual abuse. Very little research has been conducted regarding the impact and effectiveness of residence restrictions. It was therefore anticipated that this study would contribute to knowledge of the intended and unintended effects of this popular community protection strategy.

### Method

#### *Sample*

This purposive sample (n = 109) was drawn from a pool of about 160 sex offenders receiving outpatient treatment in Broward County, Florida, which encompasses the greater metropolitan Fort Lauderdale area. Broward County was chosen as a locale well-suited for these research questions, because it has very restrictive housing laws for sex offenders. Beginning in 1997, the state of Florida has required sex offenders on probation to live at least 1,000 feet from schools, parks, playgrounds, daycare centers, and other places where children congregate. Since June of 2005, however, state law has been supplemented by the enactment of many municipal ordinances with restricted zones of 2,500 feet. According to the Broward Sheriff's Office, 23 of the county's 30 independent cities have passed local sex offender housing laws (Broward Sheriff's Office, 2006).

The majority (60%) of the sex offenders surveyed were between the ages of 26 and 49; 13% were 25 years of age or younger, and 27% were older than 50. Only 22% were currently married; most of the participants had never been married (42%) or were divorced (28%), separated (8%), or widowed (1%). The sample was mostly white (63%), with 37% describing themselves as an ethnic

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minority. This sample was fairly well-educated, with 54% reporting that they had obtained a high school diploma or GED and an additional 32% reporting that they had attended college. The majority (56%) reported last year's income to be \$30,000 or less. These sex offenders had been in treatment for an average of 34 months (median = 24, mode = 12).

Most participants described their victims as minor teens (53%), with 35% reporting prepubescent victims, and 18% reporting adult victims. The majority of victims were female (71%). Relationship to the victim was most often described as an acquaintance (37%), followed by relatives (29%) and strangers (21%; these included non-contact offenses such as genital exposure and internet related offenses). About 90% of the offenders said that the current sex crime arrest was their first, with 8% reporting two arrests and 2% reporting three or more. Half of the participants said that they had only one victim (including undetected), and about 23% estimated their total number of victims as two or more. Percentages do not add up to 100% because some respondents endorsed more than one item, and some left data missing.

### *Instrumentation*

The authors designed a survey for the purpose of understanding the impact of residence restrictions on sex offenders as well as participants' perception of the utility of these laws. Some of the questions were derived (with permission from the authors) from surveys used in previous research (Levenson & Cotter, 2005; Levenson & Hern, 2007), and other questions were added by the current author. Demographic and offense data were elicited using forced-choice categorical responses in an effort to protect anonymity. Participants were asked to rate their degree of agreement on three-point and five-point Likert scales, and were also given an opportunity to provide narrative responses.

*Data Collection Procedures and Data Analysis*

This research was conducted in accordance with federal guidelines for the ethical treatment of human subjects, and was approved by an Institutional Review Board. Data were collected from clients in two sex offender treatment programs. Clients were invited to complete the survey during a group therapy session. Respondents were instructed not to write their names on the survey, and to place the completed questionnaire in a sealed box with a slot opening. Data were collected between September and November of 2006. Descriptive and correlational statistics were used to interpret the results of the survey. Data analyses were conducted using Statistical Package for the Social Sciences, Version 14 (SPSS, 2006).

Results

The majority of sex offenders (64%) said that the distance requirement applied to them was Florida's 1,000-foot statewide condition of probation. About 28% reported that they were required to live at least 2,500 feet from prohibited locations due to a local ordinance. Many were unsure about local ordinances that might apply to them, because they were "grandfathered in" and allowed to remain living in an already established residence after new laws were passed. Others were not subject to residence restrictions at all because their victims were adults.

Between one-quarter and one-half of sex offenders surveyed reported that availability of housing was diminished for various reasons because of residence restrictions (see Table 1). One participant reported: "It's been about 3 months ... and I have given my probation officer at least over 100 addresses and still haven't found a place to live yet." A majority agreed that they had difficulty finding housing, and a substantial minority reported that they had been considered in violation of probation or had even been jailed as a result of residence violations.

Insert Table 1 Here

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Participants spent an average of 63 days homeless due to residence restrictions (median = 0, mode = 0). Though the majority (61%) did not report becoming homeless at all, 39% reported that they had been homeless for two or more days. “Homeless” was not exclusively defined as living on the streets; the definition included “staying with someone else.” On average, sex offenders in Broward County reported that they had moved two times due to housing laws (median = 1, mode = 0). About 47% indicated that had not been not required to move at all, but 21% reported one move, 10% reported two moves, 22% reported that they were forced to relocate three or more times.

Sex offenders were asked to identify the types of places that create the most difficulty finding somewhere to live. According to 28% of respondents, the most challenging sites appeared to be schools, followed by bus stops (23%), daycare centers (18%), and parks and playgrounds (11%). However, 20% of participants endorsed “other” places as causing the greatest difficulty, and the majority of these were identified as community swimming pools. Others related that churches were problematic, as were playgrounds located in fast food restaurants.

Psychosocial consequences of housing laws included financial, emotional, and practical hardships (see Table 2). Sex offenders frequently described themselves as forced to live farther from support systems, employment, social services, and public transportation. The most commonly reported fiscal concerns were costs such as security deposits and moving expenses that were incurred each time a sex offender was forced to move. Some also reported lost wages due to time taken from work in order to seek and secure housing or to relocate. Several reported having to stay in hotels for a nightly or weekly fee that far exceeded a typical rent payment. Many agreed that affordable housing was less accessible due to their limited available options. Emotional stressors were described as worries about family members with whom the sex offender was prohibited from living, and, as one offender put it, the sense of “desperation and deprivation” that “serve to make the offender feel hopeless and useless and therefore brings him closer to the feelings that caused him to be an offender in the first place....” Said one young adult who had been convicted for soliciting a teenaged girl over

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the Internet: “I am very concerned that I will never be able to move out of my parents’ house and start a family and have a life of my own.”

Insert Table 2 Here

Table 3 describes offender perceptions regarding the utility of residence restrictions as community protection efforts. Few sex offenders expressed a belief that residence restrictions were a useful way to prevent reoffending. A small minority said that zoning laws might decrease access to children and assist an offender to manage his risk factors. About three-quarters, however, emphatically opined that if they were determined to reoffend they could do so despite prohibitions on living near children. Others raised concerns about the stress caused by residence restrictions and their consequences, and the potential for such stress to contribute to reoffense risk.

Insert Table 3 Here

Bivariate correlations were used to determine the relationship between offender characteristics and adverse consequences of residence restrictions (see Table 4). Offender age was significantly and inversely associated with almost all of the consequences, suggesting that younger offenders are particularly impacted by residence restrictions. Income was significantly related only to the likelihood of spending time in jail due to a residence violation. Buffer zones of 2500 feet (rather than 1000) increased the likelihood of homelessness, transience (for renters), and living farther away from employment opportunities.

Insert Table 4 Here

A risk rating was calculated for each participant by summing the factors used to score the Rapid Risk Assessment for Sex Offense Recidivism (RRASOR) (Hanson, 1997). The RRASOR is an actuarial risk assessment instrument that estimates the likelihood of sexual reoffending based on four factors known to correlate significantly with recidivism: prior sex offense charges, offender age under 25, male victims, and extrafamilial victims. Higher scores on the RRASOR are incrementally

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associated with increased recidivism (Hanson, 1997). Scores were estimated based on self-reported data from survey participants and therefore may not be entirely accurate. Nonetheless, estimations were considered to be a reasonable procedure for screening participants into relative risk categories. Bivariate correlations between risk estimates and reported consequences of residence restrictions were then analyzed. Risk was not significantly correlated with any negative consequences, suggesting that sex offenders across the spectrum of dangerousness were equally impacted by residence restrictions laws.

Respondents were given the opportunity to provide open-ended comments, and several common themes emerged. Many sex offenders emphasized the myth of strangers lurking in schoolyards, reporting that their victims were family members or close friends or that their offenses occurred in their own homes. They pointed out the irony that a prohibition on living near places where children congregate does not prevent sex offenders from walking, driving, or loitering in locations commonly frequented by children. Though one offender speculated that “pedophiles looking at children outside of their home window could be influenced into re-offending by the sight of children,” most agreed that children are ubiquitous and that residence restrictions provide little prevention value. Below are some of their comments:

*I stay away, but seeing kids everyday is inevitable. They are walking, riding bikes, driving, and riding on buses. They are everywhere. I feel [there] is more of a chance of me running into them doing every day activities [than living near schools].*

*Minors are everywhere. The residence restrictions won't stop anyone from offending. It does more harm than good.*

*I believe that the housing restrictions give the offender added stress. This can lead to triggers that can offer the possibility to re-offend.*

*If someone wants to offend it doesn't matter how far away they live away from a school, bus stop, park etc. Stop all these restrictions and stiffen the penalties.*

*Just made me more angry, anxious, depressed and feeling helpless. All these feelings [are] what contribute to people offending... All I want is to live home with my family who I love dearly.*

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*As an exhibitionist who has offended thousands of times while driving, I must answer no [that housing restrictions prevent recidivism]. An offender who cannot control him/her self will offend. You need to treat the problem.*

*The simple reality is that those who want to re-offend aren't going to follow the rules anyway. Those of us following the rules are going to do whatever it takes not to offend again, whether housing restrictions are in place or not.*

*It is an artificial feeling of safety... They want to make it someone else's problem by making offenders move to someone else's neighborhood.*

*If someone is acting out due to depression, not being able to find a place to live or having to move could certainly add to that.*

*Children are everywhere and if somebody wants to harm someone nothing is going to stop them from doing so except their own sense of what's right or wrong.*

*More emphasis should be put on rehabilitation and less on degradation.*

## Discussion

Residence restrictions appear to interfere with social support and stability for most registered sex offenders. Many reported transience as a result of housing restrictions, including multiple moves and homelessness. Wider buffer zones of 2,500 feet contributed to greater difficulties securing housing. Sex offenders were forced to move for a variety of reasons, including changes in probation officers' definitions regarding places where children congregate, measurement errors, or ignorance of recently passed local zoning laws. Though sex offenders' previously established residence are "grandfathered in" under most municipal statutes, if they have to move for any reason in the future, they will be subject to whatever housing restrictions apply in the jurisdiction to which they move. So, though some sex offenders in this survey described themselves as unaffected by residence laws, they might indeed find themselves impacted in the future.

Residence restrictions were especially detrimental for younger offenders. They experienced more transience and homelessness, probably as a result of being unable to live with their families in residential neighborhoods near places where children gather. Similar findings were documented in

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Indiana (Levenson & Hern, 2007). Because most young adults are still dependent on their parents financially and psychologically, housing laws may be uniquely problematic for this subgroup. Youth is a risk factor for sexual and general recidivism, and lifestyle instability also increases risk (Hanson & Bussiere, 1998; Hanson & Harris, 1998; Hanson & Thornton, 1999; Hanson & Harris, 2001; Hanson & Morton-Bourgon, 2004). Residence restrictions, therefore, might aggravate rather than mitigate the likelihood of recidivism for younger offenders. These findings bode ominously for the implementation of the Adam Walsh Act, which will require juveniles as young as 14 to register as sex offenders. Because residence restrictions are typically tied to sex offender registration status, we are likely to see a burgeoning housing crisis for a significant number of youth with sexual behavior problems who will be prohibited from living with their families.

The Iowa Supreme Court opined that residence restrictions were not punitive, yet a number of sex offenders surveyed reported that they had been considered in violation of probation or even jailed for inability to comply with a housing restriction. A judge in Daytona Beach, Florida opined in October 2005 that it was unconstitutional for sex offenders to be considered in violation of probation for failing to secure a residence as a result of these laws (Stapleton, 2006), though this ruling was later overturned on appeal.

Given the limited availability of lodging that complies with state and local laws, sex offenders and local authorities might find themselves at a loss for how to meet the housing needs of this population. For instance, the city of Jacksonville, Florida generated a list of over 33,000 residential units which are not located within 2,500 feet of schools, parks, playgrounds, libraries and day care centers (only about one-tenth of all properties zoned for residential usage). Many of the “approved” addresses, however, were later eliminated because they were too close to “other places where children congregate”: the beach, school bus stops, community pools, recreation centers, or businesses that cater to children. Further investigation revealed that few of the approved dwellings were for sale or rent. Moreover, many of the approved addresses were in parts of town that are

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clearly unaffordable to most sex offenders, who are often underemployed or indigent. An example is the large number of homes in country club communities, where developments surround a golf course, placing these expensive homes more than 2,500 feet from facilities named in the ordinance (personal communication, Al Chipperfield, December 9, 2006).

Zandbergen and Hart (2006) confirmed via GIS mapping that residence restrictions greatly reduce housing availability for sex offenders, and therefore will likely contribute to social isolation and obstacles to successful reintegration. These laws can lead to family separation or relocation, causing unintended consequences for offenders' family members such as job and school disruption and financial hardship. Laws sanctioning landlords for renting to sex offenders further exacerbate the problem.

The vagueness of the term "place where children regularly congregate" is problematic. Most laws offer no guidance on how to define or interpret the words "regularly" or "congregate," and propose no mechanism for determining such criteria. As a result, sex offenders are vulnerable to conflicting or capricious definitions. For example, in Florida, virtually every apartment complex and hotel has a pool, potentially rendering most rental properties unsuitable for sex offenders. Since "community pool" is not specified in most ordinances, compliance with the law might be arbitrarily defined by individual probation officers or law enforcement agents who assume that all pools are places frequented by children.

These data indicated that residence restrictions push sex offenders farther away from social services, employment, and public transportation. They also appear to increase transience and homelessness, as evidenced by the number of moves reported and the amount of time spent living in locations other than one's own home. This instability is unlikely to be in the best interest of public safety, and may undermine monitoring the whereabouts of sex offenders. Furthermore, instability, lack of social support, and unemployment are associated with higher recidivism rates for criminal offenders in general and sex offenders specifically (Colorado Department of Public Safety, 2004;

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Hanson & Harris, 1998; Kruttschnitt et al., 2000; Uggen, 2002; Uggen, Manza, & Behrens, 2004). Ostracization and underemployment seem to lead sex offenders to cluster in socially disorganized, economically depressed neighborhoods with limited resources to protect residents and to deter crime (Mustaine, Tewksbury, & Stengel, 2006; Tewksbury & Mustaine, 2006; Zevitz, 2004;2006). So, although this study focused on the impact of residence restrictions on sex offenders, such laws may inadvertently create negative consequences for communities as well.

### *Implications for criminal justice policy*

Alternative strategies exist that would be more likely to effectively achieve the goal of community protection from sex offenders. Child safety zones, or loitering zones, have been enacted or are being considered in some jurisdictions. Such policies prohibit sex offenders from going to places where children congregate without justification and prior permission. Rather than broadly prohibiting all sex offenders from living near schools and places where children play, it would make more sense to prevent sex offenders from visiting such places without legitimate reasons. One of the most glaring ironies of residence restrictions is that they regulate primarily where sex offenders sleep, and do not prevent sex offenders from hanging around in places where they can potentially cultivate relationships with children and groom them for sexual abuse. GPS monitoring can assist in enforcing loitering laws by tracking the whereabouts of sex offenders and alerting authorities when they enter forbidden zones (Delson, 2006).

Treatment providers and probation officers should work together to apply restrictions and interventions relevant to a particular offender's patterns and risk factors, while encouraging engagement in prosocial activities and minimizing obstacles to reintegration. Collaborative risk management strategies evaluate individual offender's risks and needs, reinforce their strengths, and facilitate support systems (English, Pullen, & Jones, 1998; Ward & Brown, 2004). Risk assessment using empirically validated procedures (e.g. Static-99, Hanson & Thornton, 1999) would enable

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more intensive interventions to be applied to more dangerous offenders. Risk for recidivism was unrelated to adverse consequences in this study, suggesting that lower risk offenders are equally (and perhaps unnecessarily) impacted by residence restrictions despite that they might pose little threat to communities. The utility of polygraphy in the assessment, treatment, and management of sex offenders is also well documented. Polygraphs elicit information about otherwise unknown high risk behaviors by sex offenders living in the community, aiding in the prevention of victimization (Ahlmeier, Heil, McKee, & English, 2000; Blasingame, 1998; English, Pullen, & Jones, 1996; English, Jones, Pasini-Hill, Patrick, & Cooley-Towell, 2000; English, Jones, Patrick, & Pasini-Hill, 2003; Heil, Ahlmeier, & Simons, 2003; Kokish, 2003; Kokish, Levenson, & Blasingame, 2005).

The limitations of this study included its reliance on self reported data. Sex offenders might be motivated to exaggerate the negative consequences of residence laws and to minimize their benefits. Limited resources prevented us from attempting to independently corroborate the data through officially documented sources such as probation records or law enforcement reports. Though this investigation identified ways in which residence restrictions can lead to psychosocial risk factors for reoffense, the direct relationship between housing laws and recidivism was beyond the scope of the study. Future research is needed to determine the efficacy of sex offender zoning laws in preventing recidivism and protecting communities, and, conversely, the role of these laws in potentially facilitating reoffense by inadvertently increasing dynamic risk.

Sex offender residence restrictions have become a popular means of ostensibly protecting communities from the threat of recidivistic sexual violence. Virtually no evidence exists, however, to support the effectiveness of these laws. In fact, a growing body of research is highlighting the potential for these laws to destabilize offenders, increase transience, and interfere with the efficiency of sex offender registries, perhaps increasing rather than reducing the threat posed by sex offenders.

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### References

Ahlmeyer, S., Heil, P., McKee, B., & English, K. (2000). The impact of polygraphy on admissions of victims and offenses in adult sexual offenders. *Sexual Abuse: Journal of Research & Treatment, 12*(2), 123-138.

Al Chipperfield. (December 9, 2006). Jacksonville, FL: Public Defender's Office.

Blasingame, G. D. (1998). Suggested clinical uses of polygraphy in community based sexual offender treatment programs. *Sexual Abuse: A Journal of Research & Treatment, 10*(1), 37-46.

Broward Sheriff's Office. (2006). *Residency statutes for area municipalities*. Retrieved 12/9/06, from [www.sheriff.org](http://www.sheriff.org)

Bureau of Justice Statistics. (2003). *Recidivism of sex offenders released from prison in 1994* (No. NCJ 198281). Washington, D.C.: U.S. Department of Justice.

CALCASA. (2006). *Opposition to California's Jessica Lunsford Act*, from <http://www.calcasapublicpolicy.org/>

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.

Commonwealth v. Baker, et al., Case No. 07-M-00604 (4th Div., Kenton Dist. Ct., Ky. 2007).

Delson, N. (2006). Using global positioning systems (GPS) for sex offender management. *ATSA Forum, 18*(3), 24-30.

Doe v. Miller, 405 F. 3d 700 (8th Circuit 2005).

Doe v. Miller and White (U.S. District Court, Southern District of Iowa 2004).

Elwell v. Lower Township (Superior Court of New Jersey 2006).

English, K., Pullen, S., & Jones, L. (1996). *Managing adult sex offenders: A containment approach*. Lexington, KY: American Probation and Parole Association.

English, K., Pullen, S., & Jones, L. (1998). The containment approach: An aggressive strategy for community management of adult sex offenders. *Psychology, Public Policy, and Law, 4*(1 / 2).

English, K., Jones, L., Pasini-Hill, D., Patrick, D., & Cooley-Towell, S. (2000). *The value of polygraph testing in sex offender management* (Research Report Submitted to the National Institute of Justice No. D97LBVX0034). Denver: Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics.

## Sex offender residence restrictions

English, K., Jones, L., Patrick, D., & Pasini-Hill. (2003). Sexual offender containment: Use of the postconviction polygraph. *Annals of the New York Academy of Sciences*, 989, 411-427.

Hanson, R. K. (1997). *The development of a brief actuarial scale for sexual offense recidivism*. Ottawa: Department of the Solicitor General of Canada.

Hanson, R. K., & Bussiere, M. T. (1998). Predicting relapse: A meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology*, 66, 348-362.

Hanson, R. K., & Harris, A. J. R. (1998). *Dynamic predictors of sexual recidivism*. Ottawa, Canada: Department of the Solicitor General of Canada.

Hanson, R. K., & Thornton, D. (1999). *Static 99: Improving actuarial risk assessments for sex offenders*. (No. User report 1999-02). Ottawa: Department of the Solicitor General of Canada.

Hanson, R. K., & Harris, A. J. R. (2001). A structured approach to evaluating change among sexual offenders. *Sexual Abuse: A Journal of Research & Treatment*, 13(2), 105-122.

Hanson, R. K., & Morton-Bourgon, K. (2004). *Predictors of sexual recidivism: An updated meta-analysis*. Ottawa, CA: Public Works and Government Services.

Harris, A. J. R., & Hanson, R. K. (2004). *Sex offender recidivism: A simple question* (No. 2004-03). Ottawa: Public Safety and Emergency Preparedness Canada.

Heil, P., Ahlmeyer, S., & Simons, D. (2003). Crossover Sexual Offenses. *Sexual Abuse: A Journal of Research and Treatment*, 15(4), 221-236.

Iowa County Attorneys Association. (2006). *Statement on sex offender residency restrictions in Iowa*. Des Moines: Author.

Kokish, R. (2003). The current role of Post Conviction Sex Offender Polygraph Testing in Sex Offender Treatment. *Journal of Child Sexual Abuse*, 12(3/4), 175-194.

Kokish, R., Levenson, J. S., & Blasingame, G. D. (2005). Post conviction sex offender polygraph examination: Client-reported perceptions of utility and accuracy. *Sexual Abuse: A Journal of Research & Treatment*, 17(2), 211-221.

Kruttschnitt, C., Uggen, C., & Shelton, K. (2000). Predictors of desistance among sex offenders: The interaction of formal and informal social controls. *Justice Quarterly*, 17(1), 61-88.

Levenson, J. S., & Cotter, L. P. (2005). The impact of sex offender residence restrictions: 1,000 feet from danger or one step from absurd? *International Journal of Offender Therapy and Comparative Criminology*, 49(2), 168-178.

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Levenson, J. S., Brannon, Y., Fortney, T., & Baker, J. (2007). Public perceptions about sex offenders and community protection policies. *Analyses of Social Issues and Public Policy*, 7(1), 1-25.

Levenson, J. S., & D'Amora, D. A. (2007). Social policies designed to prevent sexual violence: The Emperor's New Clothes? *Criminal Justice Policy Review*, 18(2).

Levenson, J. S., & Hern, A. (2007). Sex offender residence restrictions: Unintended consequences and community re-entry. *Justice Research and Policy*, 9(1).

Mansnerus, L. (2006, November 27). Zoning Laws that bar pedophiles raise concerns. *New York Times*.

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

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

Mustaine, E. E., Tewksbury, R., & Stengel, K. M. (2006). Residential location and mobility of registered sex offenders. *American Journal of Criminal Justice*, 30(2), 177-192.

NAESV. (2006). *Community management of convicted sex offenders: Registration, electronic monitoring, civil commitment, mandatory minimums, and residency restrictions*. Retrieved 4/2/06, from [www.naesv.org](http://www.naesv.org)

National Conference of State Legislatures. (2006). *States with sex offender residency restriction laws*. Denver, CO: Author.

Nieto, M., & Jung, D. (2006). *The impact of residency restrictions on sex offenders and correctional management practices: A literature review*. Sacramento, CA: California Research Bureau.

Rood, L. (2006, January 23, 2006). New data shows twice as many sex offenders missing. *Des Moines Register*.

Sample, L. L., & Bray, T. M. (2003). Are sex offenders dangerous? *Criminology and Public Policy*, 3(1), 59-82.

Sample, L. L. (2006). An examination of the degree to which sex offenders kill. *Criminal Justice Review*, 31(3), 230-250.

Sample, L. L., & Bray, T. M. (2006). Are sex offenders different? An examination of rearrest patterns. *Criminal Justice Policy Review*, 17(1), 83-102.

## Sex offender residence restrictions

Southern Center for Human Rights. (2006). *Litigation challenging HB 1059: Georgia's sex offender law*. Retrieved 12/9/06, from [www.schr.org](http://www.schr.org)

SPSS. (2006). *Statistical Package for the Social Sciences*. Chicago, IL.

Stapleton, J. (2006, 6/12/06). Corrections officials accuse judge of "overreaching" authority. *Daytona News Journal*.

State v. Seering, No. 34 / 03-0776 (Iowa Supreme Court 2005).

Tewksbury, R., & Mustaine, E. E. (2006). Where to find sex offenders: An examination of residential locations and neighborhood conditions. *Criminal Justice Studies*, 19(1), 61-75.

Uggen, C. (2002). Work as a turning point in the life course of criminals: A duration model of age, employment and recidivism. *American Sociological Review*, 65, 529-546.

Uggen, C., Manza, J., & Behrens, A. (2004). Less than the Average Citizen: Stigma, Role Transition, and the Civic Reintegration of Convicted Felons. In S. Maruna & R. Immarigeon (Eds.), *After Crime and Punishment: Pathways to Offender Reintegration* (pp. 261-293). Devon, UK: Willan Publishing.

Walker, J. T., Golden, J. W., & VanHouten, A. C. (2001). The Geographic Link Between Sex Offenders and Potential Victims: A Routine Activities Approach. *Justice Research and Policy*, 3(2), 15-33.

Ward, T., & Brown, M. (2004). The good lives model and conceptual issues in offender rehabilitation. *Psychology, Crime & Law*, 10(3), 243-257.

Warren, J., Reboussin, R., Hazelwood, R., Cummings, A., Gibbs, N., & Trumbetta, S. (1998). Crime scene and distance correlates of serial rape. *Journal of Quantitative Criminology*, 14(1), 35-59.

Zandbergen, P. A., & Hart, T. C. (2006). Reducing housing options for convicted sex offenders: Investigating the impact of residency restriction laws using GIS. *Justice Research and Policy*, 8(2), 1-24.

Zevitz, R. G. (2004). Sex offender placement and neighborhood social integration: The making of a scarlet letter community. *Criminal Justice Studies*, 17(2), 203-222.

Zevitz, R. G. (2006). Sex offender community notification and its impact on neighborhood life. *Crime prevention and community safety: An international journal*, 5(4), 41-62.

## Sex offender residence restrictions

Table 1: Practical consequences of Residence Restrictions (n = 109)

Item	Percentage reporting “yes”
I had to move out of a home that I owned.	22%
I had to move out of a home that I rented.	33%
When released from jail or prison, I was unable to return to my home.	42%
I am unable to live with supportive family members.	49%
I am unable to live with family members who depend on me.	43%
My family members have been forced to move.	22%
I have become homeless.	17%
A landlord refused to rent to me.	47%
A landlord refused to renew my existing lease.	22%
I have found it difficult to find a place to live.	65%
I was considered in violation of probation due to a residence restriction.	28%
I spent time in jail due to a residence violation.	13%

Sex offender residence restrictions

Table 2: Psychosocial Consequences of Residence Restrictions (n = 109)

Item	% endorsing “agree” or “strongly agree”
I have suffered financially due to residence restrictions.	66%
I have suffered emotionally due to residence restrictions.	73%
I live farther away from employment opportunities.	57%
I live farther away from social services and mental health treatment.	41%
I live farther away from public transportation, no car.	27%
I live farther away from family support.	63%
I worry that if I ever have to move I will be unable to find a place to live.	87%

Sex offender residence restrictions

Table 3: Perceptions about utility of residence restrictions in preventing recidivism (n = 109)

Item	% 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%

Sex offender residence restrictions

Table 4: Correlations between offender characteristics and negative consequences

	Offender age	Years of education	Income	Most recent victim age	Proximity Zone <sup>a</sup>
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 an 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*

2-tailed bivariate correlations; \* =  $p < .05$ ; \*\* =  $p < .01$

a. distance requirement (1000 or 2500 feet from schools, parks, playgrounds, daycares)