

Sexual Offender Residence Restrictions

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ATSA supports evidence-based public policy and practice. Research consistently shows that residence restrictions do not reduce sexual reoffending or increase community safety. In fact, these laws often create more problems than they solve, including homelessness, transience, and clustering of disproportionate numbers of offenders in areas outside of restricted zones. Housing instability can exacerbate risk factors for reoffending. Therefore, in the absence of evidence that these laws accomplish goals of child protection, ATSA does not support the use of residence restrictions as a feasible strategy for sex offender management.

Definition

A state law (or local ordinance) restricting where individuals convicted of sexual crimes can live. Examples include 500 to 2,500 feet from places where children/minors might congregate, such as schools, playgrounds, day cares, parks, and recreation centers. Sometimes this restriction also includes bus stops or other areas where children may or may not be present. Some states limit the restriction to only those sexual offenders who are convicted of the most serious offenses, offend against minors, or are identified as high risk for reoffense, while others apply the law more broadly to all sexual offenders.

States also vary in the application of residence restrictions to youth adjudicated for sexual crimes. Adolescents who engage in sexually abusive behavior are not “mini-adults” and a sufficient number of studies now exist that show the majority of these youth do not continue to sexually offend nor are they on a life path for repeat offending. Application of residence restrictions to youth adjudicated for sexual crimes creates a variety of difficulties as these youth are also children – applying broad policies designed to limit their ability to live near and associate with other children unnecessarily restricts their access to normative prosocial and developmental opportunities. Due to the limited research on the application of residence restrictions for youth, the focus of this paper is on adults convicted of sexual crimes.

Background

Beginning in the mid 1990’s, the emergence of registration and notification laws and the increased availability of public information on the internet resulted in the general public

becoming more aware of convicted sexual offenders living in their neighborhoods. This led to the notion that laws restricting such persons from living within close proximity to areas where children congregate would increase community safety.

Application

At least 30 states and hundreds of cities have implemented some form of residence restrictions. In some jurisdictions, court challenges to the constitutionality of residence restrictions have resulted in these laws being overturned.

Current Research Highlights

The intent of residence restrictions is to prevent stranger sexual recidivism. However, research has indicated that the majority of sexual abuse is perpetrated by someone known to the victim, such as a family member, acquaintance, teacher, coach or friend. According to the US Bureau of Justice Statistics (Snyder, 2000), 93% of children were sexually abused by someone known to them, such as a family member or acquaintance, with approximately 7% being victimized by a stranger. Sexual abuse also more often occurs in either the victim's home or the home of someone known to the victim - approximately 60% of offenses take place in the victim's home or the home of someone known to them (Bureau of Justice Statistics, 1997). Therefore, policies based on "stranger danger" do not adequately address the reality of sexual abuse. Additionally, for offenders on community supervision or those returning to the community after a period of incarceration, residence restrictions often have the unintended consequence of creating obstacles to community reentry that may actually compromise, rather than promote, public safety.

Research shows that residing close to schools or daycare centers does not increase risk to sexually reoffend. Zandbergen, Levenson and Hart (2010) compared the proximity of recidivists and non-recidivists to schools and daycares (N = 330) in Florida. Those who lived within 1,000, 1,500, or 2,500 feet of schools or daycare centers did not reoffend more frequently than those who lived farther away. The Minnesota Department of Corrections (2007) investigated the characteristics of 224 sexual reoffense crimes and the authors concluded that residence restrictions would not have prevented even one re-offense. Most of the offenses involving children were committed not by strangers, but by sexual offenders who were closely acquainted with their victims, such as parents, caretakers, paramours of the mother, babysitters, or friends of the family. The repeat offender was a neighbor of the victim in only about 4% of the cases. Sexual assaults that occurred within a mile of the offender's residence also typically involved adult victims, and none of the crimes took place in or near a school, daycare center, or park.

Additionally, the Colorado Department of Public Safety (2004), using mapping software, found sexual recidivists were not more likely than non-recidivists to live within 1,000 feet of a school or daycare. In New Jersey it was found that relatively few sexual offenders (4.4%) met victims in the types of locations designated as off-limits by residential restriction laws (Colombino, Mercado, Levenson, & Jeglic, 2011). Policies emphasizing residential proximity to schools and parks may therefore ignore the empirical reality of sexual abuse patterns, specifically that residence restrictions do not reduce recidivism or increase community safety.

What Promotes Effective Sexual Offender Management?

A coordinated system for the management of adult sexual offenders can enhance the safety of the community by facilitating successful offender reintegration, protecting victims, and preventing future incidents of sexual violence. Multi-disciplinary collaboration is integral to the effective management of adults convicted of sexual crimes and should include not only the community supervising officer and sexual offense specific treatment provider, but also other collaborative partners such as community support persons, victim advocates, and other involved professionals.

Current research regarding treatment effectiveness suggests (in brief):

- Sexual offense specific treatment is an important component of a comprehensive system to prevent sexual reoffending, and treatment programs that follow the Risk, Need, and Responsivity principles are associated with lower rates of recidivism than programs that do not, or no treatment at all.
- Sexual offenders require supportive environments that focus on improving psychosocial functioning in order to reduce the likelihood of recidivism. Support services should include access to housing, employment opportunities, prosocial support persons, mental health treatment, and transportation.

Do Residence Restrictions Help or Hinder Offender Reintegration?

The unintended consequences of residence restrictions include transience, homelessness, instability, and other obstacles to community reentry that may actually compromise, rather than promote, public safety. Offenders are often pushed to areas that are more rural (the higher the population density, the more likely neighborhoods include schools, parks, etc.) which often leads to diminished access to specialized treatment and close monitoring by law enforcement professionals, as well as disproportionately clustering offenders in areas with more compliant housing.

Employment and housing disruption, as well as separation from supportive and/or dependent family members, can hinder effective treatment and may interfere with the overall goal of reducing recidivism and re-victimization. In fact, unemployment, unstable housing, and lack of support are associated with increased criminal recidivism. Thus, residence restrictions, aimed at improving community safety may inadvertently create an environment in which offenders are at an increased risk to reoffend.

Alternatives

Sexual offenders are a diverse group of individuals who engage in sexually abusive behavior at differing frequencies and for varying reasons. They present with different levels of risk for future sexually abusive behavior. Rather than applying a blanket policy that treats all sexual offenders the same, regardless of offense behavior, risk level, or victimization patterns, the subset of sexual offenders who have been identified as high risk to reoffend require more intensive supervision and management strategies. Risk management should be commensurate with the level and type of risk presented by a given sexual offender. Strategies to limit victim access, including housing restrictions, can be applied by a supervising officer and treatment provider on an individual basis. Risk assessment and individualized case management plans, close monitoring, and social support systems

incorporating community engagement and responsibility are viable alternative components of an effective management system.

Conclusions

ATSA does not support the use of residence restriction laws as a sex offender management strategy. Sexual abuse is most likely to occur within a pre-existing relationship between the sexual offender and the victim, and there is no evidence that residential proximity to schools, playgrounds, day cares, parks, and recreation centers increases sexual reoffending. There is no research to support the effectiveness of residence restrictions in reducing sexual recidivism and these types of policies often have the unintended consequence that may compromise, rather than promote, public safety. The prevention of sexual abuse requires a well-planned, comprehensive, interdisciplinary response founded on evidence based strategies and policies that both protect communities and support the rehabilitation of offenders. It is therefore recommended that states and local jurisdictions seek effective methods to manage sexual offender risk while providing services that facilitate successful reintegration.

Additional Resources

<https://www.doc.ks.gov/publications/kdoc-community-field-services-publications/sex-offender-housing-restrictions>
<http://www.library.ca.gov/crb/06/08/06-008.pdf>

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An Abridged Bibliography*



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