

# Sex Offender Residence Restrictions

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## *Definition*

A state law (or local ordinance) restricting where sexual offenders can live. Examples include 500 to 2500 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. Some states limit the restriction to only those sexual offenders who are convicted of the most serious offenses, offend against minors, or are judged highly likely to reoffend, while others apply the law more broadly to all sex offenders.

## *Background*

Beginning in the mid 1990's, due to the emergence of registration and notification laws, residents became more aware of sexual offenders living in their neighborhoods. This led to the notion that laws could restrict sexual offenders from living within close proximity to areas where children congregate.

## *Application*

At least 30 states and many cities have implemented some form of residence restriction, including Alabama, Arizona, Arkansas, California, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, and West Virginia. In some of these states, the constitutionality of residence restrictions is under review.

## *Current Research Highlights*

Residence restrictions attempt to prevent predatory sexual recidivism, despite the fact that approximately 93% of all sex crimes are perpetrated by offenders known to the victim prior to the offense (Bureau of Justice Statistics, 2002). The majority of sexually abused children are victimized by someone well known to them and approximately 60% of offenses take place in the victim's home or the home of someone they know (Bureau of Justice Statistics, 1997).

Currently, only one study (Minnesota Department of Corrections, 2007) has investigated the potential effectiveness of sexual offender residence restrictions to reduce recidivism. The authors examined the offense patterns of 224 sexual offenders released between 1990 and 2005. The results demonstrated that residence restrictions would not have prevented any re-offenses. Of the 224 offenders, only 27 (12%) established contact with their victim(s) within one mile of the offenders' home and not one established contact near a school, park, or playground.

The Colorado Department of Public Safety (2004) used mapping software to examine the residential proximity to school and daycare centers of 13 sexual offenders who sexually recidivated in a study of 130 sexual offenders over a 15-month follow-up period (15 offenses by 13 offenders). The results demonstrated that recidivists were randomly located and were not significantly more likely than non-recidivists to live within 1,000 feet of a school or daycare.

### *What Promotes Effective Sex Offender Management?*

Current research regarding treatment effectiveness suggests (in brief):

- Studies suggest sexual offenders can benefit from treatment and that sex offender therapy can help reduce recidivism.
- Sexual offenders require supportive environments that focus on addressing mental health, developmental, and behavioral issues in order to reduce the likelihood of recidivism. Support includes access to housing, employment opportunities, and transportation.
- Social stability and support increases the likelihood of successful reintegration.

### *Do Residence Restrictions Help or Hinder Treatment?*

The unintended consequences of residence restrictions include transience, homelessness, and instability. Offenders are often pushed to areas that are more rural (the higher the population density the more likely neighborhoods include schools, parks, etc.). These conditions can lead to:

- diminished access to specialized treatment and probationary supervision,
- employment and housing disruption, and
- separation from supportive and/or dependent family members.

These factors 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 more at risk to reoffend.

### *Alternatives*

Rather than applying a blanket policy that treats all sexual offenders the same, regardless of offense behavior or victimization patterns, a subset of sex offenders, considered high-risk to re-offend, 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 evidence-based application of residence restrictions, close monitoring, and social support systems incorporating community engagement and responsibility are viable alternatives.

### *Conclusions*

Studies suggest that sexual recidivism is more likely to be result from a pre-existing relationship between the sexual offender and the victim rather than residential proximity to schools. There is no research to support the effectiveness of residence restrictions in reducing sex offender recidivism. It is recommended, therefore, that states (and local jurisdictions) seek out other, more effective methods to limit the risk to the community from convicted sexual offenders.

### *Additional Resources*

- <http://www.cga.ct.gov/2007/rpt/2007-R-0380.htm>
- <http://www.csom.org/>
- <http://www.csom.org/ref/residencerestrictions.pdf>
- <http://www.dc.state.ks.us/publications/sex-offender-housing-restrictions>
- <http://www.library.ca.gov/crb/06/08/06-008.pdf>



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**\* Links to selected articles cited here are available on the Public Policy page of the website of the Association for the Treatment of Sexual Abusers (ATSA). See: <http://www.atsa.com/pubPPapers.html>.**

**Recommended Reading:**

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