

## Sex Offender Residence Restrictions: Sensible Crime Policy or Flawed Logic?

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[Review of Relevant Literature](#)

[Effects on Recidivism](#)

[The Relationship between Proximity and Recidivism](#)

[Criminal Re-entry, Housing Instability, and Recidivism](#)

[Housing Availability](#)

[Other Unintended Consequences of Residence Restrictions](#)

[Premises Underlying Sex Offender Residence Policies](#)

[Risk Assessment](#)

[Summary](#)

[Implications for Practice and Policy](#)

**SEXUAL VIOLENCE** is a social problem that inspires immense fear and wrath in our society. As such, public policies designed to monitor and restrict sex offenders are becoming increasingly popular in the United States. Since 1994, the Jacob Wetterling Act has required convicted sex offenders to register their addresses with law enforcement agents to facilitate better tracking and monitoring of these particular criminals. Megan's Law, enacted in 1996, modified the Jacob Wetterling Act by allowing registry information to be disclosed to the public. These laws were the initial stepping stones and evolved from registration to notification and now include housing restrictions. As a result of this progression, at least 22 states and hundreds of local municipalities in the U.S. have passed laws prohibiting sex offenders from living within close proximity (usually 1,000 to 2,500 feet) to schools, parks, playgrounds, day care centers, and other places where children congregate (National Conference of State Legislatures, 2006; Nieto & Jung, 2006).

The effectiveness of residence restrictions policies on sex crime prevention is largely unknown because empirical investigations of this topic are virtually absent in the literature. While there is wide consensus on the need for improved community safety from sex offenders, there is considerable debate as to whether current criminal justice responses intended to reduce sexual offending are successful (Edwards & Hensley, 2001; Levenson, 2003; Levenson & D'Amora, 2007; Petersilia, 2003; Prentky, 1996; Welchans, 2005; Zgoba, 2004). Hampering the ability of stakeholders to make informed decisions is the complete lack of empirical data on the effects of residence restrictions on rates of sexual offending and recidivism. Yet, sex offender housing laws have enjoyed overwhelming support as they have swept across the United States.

[back to top](#)

Twenty-two states now have laws restricting where sex offenders can live, with 1,000 to 2,500-foot exclusionary zones being most common (National Conference of State Legislatures, 2006; Nieto & Jung, 2006). Since a series of highly publicized murders of several young children by convicted sex offenders around the country in 2005, hundreds of cities and towns nationwide have also passed local ordinances, often increasing restricted zones to 2,500 feet. Some of these regulations have allowed a “grandfather clause” for sex offenders who established residency prior to the passage of the law, and some (but not all) waive restrictions for juvenile or statutory offenders. Some localities have made it a crime for landlords to rent to sex offenders, making it more difficult for them to secure rental properties.

When the constitutionality of residence restrictions has been challenged, these laws have generally been upheld (*State v. Seering*, 2005; *Doe v. Miller*, 2005), and the U.S. Supreme Court has declined to rule on the issue. However, the legal status of such laws has not been firmly and consistently established. A Georgia law banning sex offenders from living or working within 1,000 feet of school bus stops (with no grandfather clause) has been granted class action status and a temporary injunction preventing enforcement of the law is in effect (Tewksbury, in press). A judge in California ruled after the overwhelming recent passage of Proposition 83, a comprehensive bill requiring sex offenders to live 2,000 feet from a school or park, that the law could not be retroactive. Two judges in New Jersey have declared township ordinances unconstitutional because they violated 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; *G.H. v. Galloway Township*, 2007). A Kentucky judge ruled that retroactive housing laws applied to those who established residences before the law took effect violate ex post facto protections (*Commonwealth v. Baker, et al.*, 2007). He opined that residence restrictions are clearly punitive and that to argue otherwise is intellectually dishonest. He added that such laws are “minimal at best and completely illusory at worst” (p. 26) and that they “appear to be little more than a political placebo, offering false comfort to pacify the public’s fear” (p. 27).

[back to top](#)

### **Effects on Recidivism**

No research has yet been conducted to measure the efficacy of existing residence laws, but one study investigated the potential for sex offender residence restrictions to prevent repeat sex crimes (Minnesota Department of Corrections, 2007). Though no statewide residence law exists in Minnesota, researchers analyzed the patterns of 224 sex offenders released from Minnesota correctional facilities who sexually recidivated between 1990 and 2005. The results showed that not one of the 224 cases likely would have been deterred by residence restrictions. A minority of the 224 offenders initiated contact with their victims in public places. Instead, nearly two-thirds victimized family members or gained access to their victims through another adult, such as a spouse, girlfriend, co-worker, friend, or acquaintance. Only 27 offenders established contact with their victims within one mile of their residence at the time of the offense. 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.

These results indicated that the prevailing factor in sexual recidivism is not residential proximity but rather social or relationship proximity. Even when offenders established direct contact with unknown victims, they were unlikely to do so close to where they lived. Based on these findings, the authors concluded that the potential deterrent effects of a residence restriction law would likely be “marginal” at best because the types of offenses it is designed to prevent are exceptionally rare (Minnesota Department of Corrections, 2007).

[back to top](#)

### **The Relationship between Proximity and Recidivism**

In an Arkansas study of 170 sex offenders, it was found that 48 percent of child molesters lived

within 1,000 feet of a school, day care center, or park, compared with 26 percent of perpetrators convicted of sex crimes against adults (Walker, Golden, & VanHouten, 2001). Citing routine activities theory, the authors speculated that child molesters might be motivated to purposely live within close access to potential victims. The study did not track recidivism, however, and did not establish that proximity to schools was correlated with reoffending. In fact, the factors contributing to residence selection could not be clearly identified. Other scholars have argued that sex offenders' housing arrangements are most strongly determined by economic conditions, not because they seek to live near potential victims (Tewksbury & Mustaine, 2006). Rapists who target adult victims have been found to often commit sex crimes within a short radius from where they live (Minnesota Department of Corrections, 2007; Warren, Reboussin, Hazelwood, Cummings, Gibbs, & Trumbetta, 1998).

In Minnesota, an earlier study was undertaken to determine whether residential proximity to schools and parks played a role in recidivism (Minnesota Department of Corrections, 2003). Researchers tracked 329 "level three" sex offenders (those considered to be at highest risk for reoffense) who were released from prison between 1997 and 1999. By March 2002, thirteen (4 percent) of those high-risk offenders had been rearrested for a new sex crime. The circumstances of each recidivism case were then scrutinized to determine whether the offense was related to the offender's residential proximity to a school or park. None of the new crimes occurred on the grounds of a school or was seemingly related to a sex offender living within close proximity to a school. Two of the offenses did take place near parks, but in both cases, the park areas were several miles away from the offenders' homes. The authors concluded that residential proximity to schools and parks appeared to be unrelated to sex offense recidivism, and advised that blanket policies restricting where sex offenders can live are unlikely to benefit community safety. They did suggest that restrictions might be an appropriate supervision strategy when assessing the risks and needs of each individual offender on a case-by-case basis.

In Colorado, 130 sex offenders on probation were tracked for 15 months in order to assess recidivism (Colorado Department of Public Safety, 2004). Fifteen (12 percent) were rearrested for new sex crimes, and all were non-contact offenses (peeping, voyeurism, or indecent exposure). The researchers mapped the sex offenders' proximity to schools and daycare centers, and found that recidivists were randomly located throughout the area and did not live closer to such venues than non-recidivists. They concluded that residence restrictions are unlikely to deter sex offenders from recommitting sex crimes, and that such policies should not be considered a feasible strategy for protecting children. In sum, no evidence exists to support the hypothesis that sex offenders who live within closer proximity to schools, parks, and playgrounds have an increased likelihood of sexually recidivating. There is also no research as yet that establishes residence restrictions as a viable strategy for reducing sex crimes, preventing recidivism, or protecting children.

[back to top](#)

### **Criminal Re-entry, Housing Instability, and Recidivism**

Convicted felons returning to communities are confronted with the (often quite daunting) challenge of locating and sustaining affordable housing (La Vigne, Visser, & Castro, 2004; Petersilia, 2003; Travis, 2005). Imprisoned offenders have been separated from their families and communities and consequently, after incarceration, they often find themselves without support systems, fiscal resources, housing, employment opportunities, and transportation. Obstacles to employment can create financial instability, and affordable lodging is often scarce, especially since laws prohibit felons from obtaining subsidized housing (Petersilia, 2003; Travis, 2005). The basic needs of offenders attempting to re-enter society have frequently been ignored, causing some scholars to warn of dire consequences of such neglect: "Housing is the linchpin that holds the reintegration process together. Without a stable residence, continuity in substance abuse and mental health treatment is compromised... in the end, a polity that does not concern itself with the housing needs of returning prisoners finds that it has done so at the expense of its own public safety" (Bradley, Oliver, Richardson, & Slayter, 2001, p. 7).

Housing instability and criminal recidivism are clearly linked, and numerous studies have documented the relationship. Residential instability was found to be a robust predictor of reoffending among Georgia criminals; the likelihood of re-arrest increased by 25 percent each time a parolee moved (Meredith, Speir, Johnson, & Hull, 2003). Released offenders temporarily residing in New York shelters were at increased risk for drug and alcohol abuse, unemployment, and absconding from probation or parole (Nelson, Deess, & Allen, 1999). Unstable living arrangements were identified as the strongest predictor of absconding in a sample of over 4,000 parolees in California (Williams, McShane, & Dolny, 2000), and in a national sample (n = 2,030), probationers who moved multiple times during their period of supervision were almost twice as likely to have had a disciplinary hearing (Schulenberg, 2007). Offenders themselves have identified housing as the most essential factor in their community adjustment and reintegration (La Vigne et al., 2004).

Housing and property ownership lead to the development of social bonds, which facilitate crime desistance through engagement in prosocial activities and self-perception of a non-deviant identity (Laub & Sampson, 2001). Community connections and healthy interpersonal relationships create social and psychological reinforcements to the offender's investment in conformity and crime deterrence. Employment and relationships, especially marriage, are reliable predictors of desistance from crime (Laub & Sampson, 2001). Lifestyle instability has been associated with both general and sexual recidivism (Andrews & Bonta, 2003; Hanson & Harris, 1998) and sex offenders with constructive support systems have fewer violations and new offenses than those who have negative or no support (Colorado Department of Public Safety, 2004). Thus, unstable housing and the ensuing disengagement from family and community appear to increase the likelihood of recidivism for criminal offenders.

[back to top](#)

### **Housing Availability**

Residence laws severely limit housing options for sex offenders, especially in major metropolitan areas (Carlson, 2005; Zandbergen & Hart, 2006). Using geographical information system (GIS) mapping technology in Orange County, Florida, researchers found that 95 percent of over 137,000 residences were located within 1,000 feet of schools, parks, daycare centers, or school bus stops, and virtually all housing was within 2,500 feet of such venues. The number of dwellings available for sex offenders outside 1,000-foot buffer zones was 4,233 and only 37 properties existed beyond 2,500-foot buffer zones. When considering the constraint categories individually, bus stops were by far the most restrictive (99.6 percent of properties were within 2,500 feet). Of course, these statistics represent all existing properties and it is likely that only a fraction are available for rent or purchase at any point in time (Zandbergen & Hart, 2006). Furthermore, in Colorado, researchers found that in densely populated areas, residences that are not within 1,000 feet of a school or childcare center are virtually nonexistent (Colorado Department of Public Safety, 2004).

When residence restrictions are enacted, the effects quickly become apparent. Within six months of the implementation of Iowa's 2,000-foot law, thousands of sex offenders became homeless or transient, making them more difficult to track and monitor. The number of registered sex offenders in Iowa who could not be located more than doubled, damaging the reliability and validity of the sex offender registry (Rood, 2006).

[back to top](#)

### **Other Unintended Consequences of Residence Restrictions**

A growing body of research indicates that sex offender registration and community notification can interfere in multiple ways with community re-entry and adjustment (Levenson & Cotter, 2005b; Levenson, D'Amora, & Hern, 2007b; Sample & Streveler, 2003; Tewksbury, 2004; Tewksbury, 2005; Tewksbury & Lees, 2006; 2007; Zevitz, 2006a; Zevitz & Farkas, 2000a). Sex offenders surveyed in Florida, Indiana, Connecticut, Wisconsin, Oklahoma, Kansas and Kentucky

reported adverse consequences such as unemployment, relationship loss, denial of housing, threats, harassment, physical assault, or property damage as a result of public disclosure (Levenson & Cotter, 2005b; Levenson et al., 2007b; Tewksbury, 2004; Tewksbury, 2005; Tewksbury & Lees, 2006; 2007; Tewksbury & Mustaine, 2007; Zevitz & Farkas, 2000b). The majority of sex offenders also reported psychological symptoms such as shame, embarrassment, depression, or hopelessness (Levenson & Cotter, 2005b; Levenson et al., 2007b; Tewksbury & Lees, 2007). Though vigilantism is rare, extreme cases such as arson, vandalism, and even murder of sex offenders have been documented (Sample & Streveler, 2003). Because public identification can lead to social exclusion and underemployment for sex offenders, many of them end up living in socially disorganized, economically deprived neighborhoods that have fewer resources for deterring crime and protecting residents (Mustaine, Tewksbury, & Stengel, 2006; Tewksbury & Mustaine, 2006; Zevitz, 2004; 2006b).

The impact of residence restrictions on sex offenders remains largely unknown. Only two studies have been published to date, and two others are forthcoming. Levenson and Cotter (2005a) investigated the impact of Florida's 1,000-foot statewide exclusionary zone on the reintegration of 135 sex offenders. They found that about one quarter of offenders were forced to move from a home that they owned or rented, or were unable to return home following their release from prison. Nearly half (44 percent) reported that they were unable to live with supportive family members due to zoning laws. More than half (57 percent) found it difficult to secure affordable housing, and 60 percent reported emotional distress as a result of housing restrictions. The authors suggested that residence restrictions have the potential to disrupt stability and contribute to psychosocial stressors which can lead to dynamic risk factors (Hanson & Harris, 1998) associated with sex offense recidivism.

Levenson and Cotter (2005a) collected their data in 2004, prior to the passage of scores of city ordinances in Florida that increased restricted zones to 2,500 feet (about one-half mile). Since that time, for example, 26 of the 30 independent cities in Broward County, FL (the greater Fort Lauderdale metropolitan area) have passed local sex offender zoning laws. A more recent study of 109 sex offenders in Broward found that 39 percent reported becoming homeless or living with someone else for two or more days, and 22 percent said they were forced to relocate more than two times (Levenson, in press). Almost half reported that a landlord refused to rent to them, and 13 percent said they had spent time in jail due to a residence violation. Age was inversely correlated with an increase in adverse consequences, and larger buffer zones were associated with transience, homelessness, and reduced employment opportunities.

In Oklahoma and Kansas, 62 percent of a sample of registered sex offenders has moved since registering, with 54 percent of those subject to a residence restriction law being forced to move (Tewksbury & Mustaine, 2007). When sex offenders move it is typically to neighborhoods with higher levels of social disorganization (Mustaine et al., 2006). In Indiana, 26 percent of sex offenders surveyed were unable to return to their homes after being released from prison, 37 percent 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 percent) 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. Young adults were particularly affected, and age was significantly inversely correlated with being unable to live with family and having difficulties securing affordable housing (Levenson & Hern, 2007).

Iowa prosecutors and victim advocates took proactive steps and publicly denounced residence restrictions, asserting that they create more problems than they solve (Iowa County Attorneys Association, 2006; NAESV, 2006). Prosecutors observed that the number of plea bargains dropped, causing some cases to go adjudicated, leaving victims at risk and perpetrators without treatment or punishment (Iowa County Attorneys Association, 2006). Victim advocates cautioned that residential transience makes it more difficult to track the whereabouts of sex offenders and to supervise their activities.

Social stability and support increase the likelihood of successful reintegration for criminal

offenders, and public policies that create obstacles to community re-entry may compromise public safety (Petersilia, 2003). It has been found that sex offenders who had a positive support system had significantly lower recidivism and fewer rule violations than those who had negative or no support (Colorado Department of Public Safety, 2004). Sex offenders who maintained social bonds to communities through stable employment and family relationships had lower recidivism rates than those without jobs or significant others (Kruttschnitt, Uggen, & Shelton, 2000). It is well established that the stigma of felony conviction can impede the ability to engage in prosocial roles across domains such as employment, education, parenting, and property ownership (Tewksbury & Lees, 2007; Uggen, Manza, & Behrens, 2004). Uggen et al. (2004) underscored that self-concept, civic participation, and social resources are essential to an offender's identity as a conforming citizen and therefore to his or her desistance from crime. Policies such as residence restrictions can disrupt the stability of sex offenders and interfere with the potential to develop social bonds, secure employment, and engage in positive activities, raising concerns that such laws might be ultimately counter-productive (Levenson, 2006; Tewksbury & Lees, 2006).

[back to top](#)

### **Premises Underlying Sex Offender Residence Policies**

Sex offender policies have not often incorporated empirical data into their development and implementation (Levenson & D'Amora, 2007; Zgoba, 2004). Despite the lack of evidence linking sex offense recidivism with residential proximity to schools, zoning restrictions are widely popular, partly due to the (unsupported) popular belief that sex offenders have extraordinarily high recidivism rates (Levenson, 2006; Levenson, Brannon, Fortney, & Baker, 2007a; Quinn, Forsyth, & Mullen-Quinn, 2004; Sample & Bray, 2006). Extensive media attention to sexually motivated abductions of children creates a perception that violent sex crimes are on the rise, even in an era of consistently declining trends. According to child protection data, police reports, and victim surveys, sexual assault rates for both adults and children have dropped substantially since the early 1990s (Finkelhor & Jones, 2004; Maguire & Pastore, 2003).

Residence restrictions are intended to prevent recidivistic predatory offenses, yet in practice they target only a fraction of sex crimes. The assumption that children are at great risk posed by sex offenders lurking in schoolyards or playgrounds is not supported by data (Zgoba, 2004). Most sexually abused children are victimized by someone they know and trust, and only about 7 percent of sex crimes against minors are perpetrated by strangers (Bureau of Justice Statistics, 2002a). According to the vast majority of empirical research, most child sexual abuse is perpetrated by family members or close acquaintances. About 40 percent of sexual assaults take place in a victim's own home, and 20 percent take place in the home of a friend, neighbor or relative (Bureau of Justice Statistics, 1997).

Another assumption fueling sex offender laws is that rehabilitation is futile and that sex offenders cannot be cured. Of course, the goal of treatment for those diagnosed with disorders like pedophilia is not to "cure" them but to assist them to learn to change their thinking and control their behavior. While it is not realistic to expect any medical or mental health treatment to be 100 percent effective for all patients, research has shown that many sex offenders benefit from psychological interventions. A meta-analysis involving 9,454 sex offenders determined that treated offenders had a lower recidivism rate (10 percent) than untreated offenders (17 percent) (Hanson, Gordon, Harris, Marques, Murphy, Quinsey, & Seto, 2002). A separate study also found a 40 percent reduction in recidivism following treatment (Losel & Schmucker, 2005). Treatment failure has been correlated with increased recidivism (Hanson & Bussiere, 1998). Other studies have not shown significantly lower rates for offenders who participated in treatment programs (Hanson, Broom, & Stephenson, 2004; Marques, Wiederanders, Day, Nelson, & van Ommeren, 2005; Zgoba & Simon, 2005), but Marques et al. did conclude that those who successfully completed therapy goals reoffended less often than those who did not "get it" (p. 97).

Residential restriction laws are typically predicated on the perception that a vast proportion of

sex offenders will repeat their crimes. However, recidivism rates are much lower than commonly believed (Bureau of Justice Statistics, 2003; Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2005; Sample & Bray, 2003). The Bureau of Justice Statistics found that of 9,691 sex offenders released from prison in 1994, 5.3 percent were rearrested for a new sex crime within a 3-year follow-up period. Other researchers found, in a series of international studies involving nearly 30,000 sex offenders, that 14 percent of all sex offenders, 13 percent of child molesters, and 20 percent of rapists were rearrested for a new sex crime within 4 to 6 years (Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2005). Though official recidivism rates are likely to underestimate true crime rates, it is clear that the majority of sex offenders do not go on to be rearrested for new sex crimes and their rates are quite lower than non-sexual recidivism rates. Harris and Hanson (2004) concluded: "After 15 years, 73 percent of sexual offenders had not been charged with, or convicted of, another sexual offence. The sample was sufficiently large that very strong contradictory evidence is necessary to substantially change these recidivism estimates" (p. 17).

Another belief on which residential restriction laws are based is that sex offenders are more likely to reoffend than other types of criminals. In fact, sex offenders are rearrested for ongoing criminal behavior much less often than non-sex offenders (Hanson, Scott, & Steffy, 1995; Sample & Bray, 2003; 2006). The U.S. Department of Justice found much higher rates of recidivism for crimes such as burglary (74 percent), larceny (75 percent), auto theft (70 percent), and drunk driving (51 percent) (Bureau of Justice Statistics, 2002b). Other studies have demonstrated that sex offenders are rearrested at lower rates for their crime of choice than other types of criminals (Sample & Bray, 2003). In other words, robbers are more likely to be rearrested for robbery, burglars are more likely to repeat crimes of burglary, and those who have committed nonsexual assault are more likely to do so again (Sample & Bray, 2003). Although sex offenders may be more likely than other criminals to "specialize," offenders with no prior convictions for sexual assault were responsible for 87 percent of new sex crimes committed by released felons (Bureau of Justice Statistics, 2003). Since the majority of sex offenders do not go on to be rearrested for new sex crimes (Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2005; Harris & Hanson, 2004), assessing risk and applying restrictive policies to those offenders most likely to pose a threat would be more efficient and becomes of paramount importance.

[back to top](#)

## **Risk Assessment**

Indisputably, some sex offenders are quite dangerous and pose a threat to reoffend. In reality, sex offenders demonstrate a wide range of offense patterns and re-offense risk. Follow-up studies have found that pedophiles who molest boys and rapists of adult women are the most likely sex offenders to recidivate (Harris & Hanson, 2004; Prentky, Lee, Knight, & Cerce, 1997). It should be noted that the majority of persons convicted of a sex crime are not diagnosed with pedophilia (Kingston, Firestone, Moulden, & Bradford, 2007; Maletzky & Steinhauser, 2002; Seto & Lalumière, 2001). Risk varies depending on the extent of sexual deviance, offender age, criminal history, and victim preferences (Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2005; Harris & Hanson, 2004; Quinsey, Harris, Rice, & Cormier, 1998). Sex offenders with multiple arrests are more likely to reoffend than those who have committed only one sex crime (Hanson, 1997; Hanson & Bussiere, 1998; Hanson & Thornton, 1999). Those who comply with probation and treatment have lower reoffense rates than those who violate the conditions of their release (Hanson & Harris, 1998; Hanson & Morton-Bourgon, 2004). Sex offenders who target strangers are more dangerous than those with victims inside their own family (Hanson & Bussiere, 1998; Hanson & Thornton, 1999; Harris & Hanson, 2004). Sex offense recidivism appears to decline with age (Hanson, 2002), and the longer that offenders remain offense-free in the community, the less likely they are to re-offend sexually (Harris & Hanson, 2004).

Factors correlated with recidivism have been used to develop actuarial risk assessment instruments that estimate the probability of sexual reoffense based on the actual recidivism rates of other convicted sex offenders with similar characteristics (Epperson, Kaul, Huot, Hesselton, Alexander, & Goldman, 1999; Hanson, 1997; Hanson & Thornton, 1999; Quinsey et al., 1998).

Though they cannot predict with certainty that an individual offender will act in a specific way, risk assessment instruments estimate, with moderate accuracy, the likelihood of reoffending, and are therefore useful for screening offenders into relative risk categories (Barbaree, Seto, Langton, & Peacock, 2001; Hanson, 1997; Hanson & Thornton, 1999; Harris, Rice, Quinsey, Lalumiere, Boer, & Lang, 2003; Quinsey et al., 1998). These procedures are similar to the ways in which insurance companies assess risk and assign premiums, and how doctors evaluate a patient's risk for developing a medical illness. Similar methods are also used in making classification decisions in prisons and parole or release decisions. Risk assessment allows us to identify the sex offenders most likely to reoffend, and to apply the most intensive interventions to those who need the greatest level of supervision, treatment, and restriction. Unfortunately, most policy initiatives have not incorporated risk assessment strategies into their implementation, instead being applied broadly to all sex offenders.

[back to top](#)

## **Summary**

In sum, the empirical research on sex offender residence restrictions is extremely limited. Only one study (Minnesota Department of Corrections, 2007) has specifically examined the empirical relationship between residence restrictions and recidivism, and that study was prospective because no such law was in place. No true empirical evaluations of existing residence laws have been completed to date. There is a growing body of evidence, however, that residence restrictions create unintended consequences for sex offenders and communities. These adverse effects include: homelessness; transience; inaccessibility to social support, employment, and rehabilitative services; registry invalidity; and clustering of sex offenders in poor, rural, or socially disorganized neighborhoods. Residence laws are often predicated on erroneous assumptions of high recidivism rates and "stranger danger," and they have infrequently incorporated empirically derived risk assessment. As a result, the community reintegration of lower-risk, non-violent, and statutory offenders may be unnecessarily impeded. So, in the absence of evidence that residence restrictions are effective in achieving goals of improved community safety, their unintended effects may outweigh their benefits. Therefore, it is crucial to determine whether these laws are indeed efficacious methods for controlling sex offense recidivism and preventing sexual violence.

[back to top](#)

## **Implications for Practice and Policy**

The benefits of residence restrictions to community safety have yet to be empirically established. Residence restrictions and their consequences are apt to challenge the coping skills of many sex offenders when they face transience and instability as a result of these laws. Precarious living arrangements have the potential to exacerbate dynamic risk factors associated with reoffense, such as lifestyle instability, substance abuse, negative moods, and lack of social support (Hanson & Harris, 1998; 2001). Probation officers and community corrections officials should be cognizant of the stressors created by housing problems and be prepared to assist offenders with case management services. Officers should also collaborate closely with clinical treatment providers when possible in order to coordinate treatment and supervision plans that identify offense patterns, mitigate risk factors, and accommodate psychosocial needs. Attention to dynamic risk factors, which may be aggravated by negative environmental conditions, should be an integral part of ongoing assessment, management, and service planning.

Crime policies that interfere with successful re-entry are unlikely to be in the public's best interest. The stigma of felony conviction creates challenges for all criminal offenders, but in particular, registered sex offenders face tremendous discrimination even when they are behaving in a law-abiding and productive fashion (Levenson & Cotter, 2005b; Levenson et al., 2007b; Tewksbury, 2004; Tewksbury, 2005; Tewksbury & Lees, 2006; 2007; Zevitz & Farkas, 2000b). Sanctions that disrupt stability are contrary to what we might define as "best practice" according to decades of empirical research identifying factors associated with crime desistance (Laub &

Sampson, 2001; Maruna, 2001). Most prisoners seek shelter with family members after their release (Travis, 2005), but residence restrictions can eliminate many housing options for sex offenders. Prohibitions on where they can live can increase transience, disrupt stability and social support, and exacerbate the conditions correlated with reoffending (Andrews & Bonta, 2003; Hanson & Harris, 1998). By ostracizing, segregating, and stigmatizing criminal offenders, we leave them with few opportunities to conform to mainstream values and affiliate with law-abiding citizens (Braithwaite, 1989; Sherman, 1993; Uggen, Manza, & Behrens, 2004). As Maruna et al. pointed out, “if society is unwilling to take a chance on an individual who is trying to make an effort toward desistance, then these obstacles might lead to further recidivism” (Maruna, LeBel, Mitchell, & Naples, 2004, p. 2).

Politicians and neighborhood residents are unlikely to be sympathetic to the challenges these restrictions create for sex offenders. Some sex offenders do indeed pose a serious threat, and communities have a legitimate interest in protecting children from sexual abuse. From a public safety standpoint, however, it is more efficient to establish policies that do not inadvertently contribute, even indirectly, to the risk for reoffense or barriers to reintegration. Policymakers are encouraged to consider a range of available options for building safer communities and to endorse those that are most likely to achieve their stated goals without creating undue obstacles to offender re-entry. For instance, sex offender policies should incorporate empirically derived risk assessment and apply the most intensive and restrictive management strategies to high-risk offenders. Treatment should be part of any comprehensive strategy for preventing repeat sexual violence. Polygraph examination should be enlisted as a method for assessing the past patterns of sex offenders and verifying their compliance with supervision and treatment plans. Collaborative approaches such as containment models (English, Jones, Patrick, & Pasini-Hill, 2003), in which treatment providers, supervising officers, and polygraph examiners work together to manage the risk of registered sex offenders, should be emphasized as a paradigm for community protection.

Criminal justice policy should be grounded in empirical evidence, but sex offender policies in particular have not incorporated available research into their formation and implementation (Levenson & D'Amora, 2007; Zgoba, 2004). Social scientists and criminal justice professionals have a responsibility to assist lawmakers to respond effectively to the problem of sexual violence. It is crucial that sex offender legislation be informed by scientific data and designed to maximize the potential for community safety, while minimizing collateral consequences for offenders and communities.

[back to top](#)

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## [References](#)

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[Home](#)

## References

[Endnotes](#)

### **Sex Offender Residence Restrictions: Sensible Crime Policy or Flawed Logic?**

Andrews, D.A., & Bonta, J. (2003). *The psychology of criminal conduct (3rd ed.)*. Cincinnati, OH: Anderson Publishing.

Barbaree, H.E., Seto, M.C., Langton, C.M., & Peacock, E.J. (2001). *Evaluating the predictive accuracy of six risk assessment instruments for adult sex offenders*. *Criminal Justice and Behavior*, 28(4), 490-521.

Bradley, K., Oliver, R.B., Richardson, N., & Slayter, E. (2001). *No place like home: Housing and the ex-prisoner*. Boston: Community Resources for Justice.

Bureau of Justice Statistics. (2002a). *Criminal Victimization*. Retrieved 11/16/02, from <http://www.ojp.usdoj.gov/bjs/cvictgen.htm>

Bureau of Justice Statistics. (2002b). *Recidivism of Prisoners released in 1994*. Washington, D.C.: U.S. Department of Justice.

Bureau of Justice Statistics. (2003). *Recidivism of sex offenders released from prison in 1994*. Washington, D.C.: U.S. Department of Justice.

Bureau of Justice Statistics. (1997). *Sex offenses and offenders: An analysis of data on rape and sexual assault*. (No. NCJ-163392). Washington, D.C.: U.S. Department of Justice.

Carlson, M. (2005). *Not in my City*. Orlando Weekly, August 25, 2005.

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).

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

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

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

- Epperson, D.L., Kaul, J.D., Huot, S.J., Hesselton, D., Alexander, W., & Goldman, R. (1999). *Minnesota sex offender screening tool—Revised (MnSost-R): Development performance, and recommended risk level cut scores*. Retrieved 3/1/04, from [www.psychology.iastate.edu/faculty/epperson](http://www.psychology.iastate.edu/faculty/epperson)
- Finkelhor, D., & Jones, L.M. (2004). *Explanations for the decline in child sexual abuse cases*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention. G.H. v. Galloway Township (Superior Court of New Jersey 2007).
- 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. (2002). *Recidivism and age: Follow-up data from 4,673 sexual offenders*. Journal of Interpersonal Violence, 17(10), 1046-1062.
- Hanson, R.K., Broom, I., & Stephenson, M. (2004). *Evaluating community sex offender treatment programs: A 12-year follow-up of 724 offenders*. Canadian Journal of Behavioural Science, 36(2), 85-94.
- Hanson, R.K., & Bussiere, M.T. (1998). *Predicting relapse: A meta-analysis of sexual offender recidivism studies*. Journal of Consulting and Clinical Psychology, 66(2), 348-362.
- Hanson, R.K., Gordon, A., Harris, A.J.R., Marques, J. K., Murphy, W., Quinsey, V.L., & Seto, M.C. (2002). *First report of the collaborative outcome data project on the effectiveness of treatment for sex offenders*. Sexual Abuse: A Journal of Research and Treatment, 14(2), 169-194.
- 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., & Harris, A.J.R. (1998). *Dynamic predictors of sexual recidivism*. Ottawa, Canada: Department of the Solicitor General of Canada.
- Hanson, R. K., & Morton-Bourgon, K. (2005). *The characteristics of persistent sexual offenders: A meta-analysis of recidivism studies*. Journal of Consulting and Clinical Psychology, 73(6), 1154-1163.
- Hanson, R.K., & Morton-Bourgon, K. (2004). *Predictors of sexual recidivism: An updated meta-analysis*. Ottawa, CA: Public Works and Government Services.
- Hanson, R.K., Scott, H., & Steffy, R.A. (1995). *A comparison of child molesters and nonsexual criminals: Risk predictors and long-term recidivism*. Journal of Research in Crime and Delinquency, 32, 325-337.
- Hanson, R.K., & Thornton, D. (1999). *Static-99: Improving actuarial risk assessments for sex offenders*. (No. 1999-02). Ottawa: Department of the Solicitor General of Canada.
- Harris, A.J.R., & Hanson, R.K. (2004). *Sex offender recidivism: A simple question* (No. 2004-03). Ottawa: Public Safety and Emergency Preparedness Canada.
- Harris, G.T., Rice, M. E., Quinsey, V.L., Lalumiere, M.L., Boer, D.P., & Lang, C. (2003). *A Multi-site Comparison of Actuarial Risk Instruments for Sex Offenders*. Psychological Assessment, 15(3), 413-426.
- Iowa County Attorneys Association. (2006). *Statement on sex offender residency restrictions in Iowa*. Des Moines: Author.
- 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. La Vigne,

N., Visher, C., & Castro, J. (2004). *Chicago Prisoners' Experiences Returning Home*. Washington, DC: Urban Institute.

Laub, J.H., & Sampson, R.J. (2001). *Understanding desistance from crime*. *Crime and Justice*, 28(1-69).

Levenson, J.S. (2006). *Sex offender residence restrictions*. *Sex Offender Law Report*, 7(3), 33; 46-47.

Levenson, J.S. (in press). *Collateral consequences of sex offender residence restrictions*. *Criminal Justice Studies*.

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

Levenson, J.S., & Cotter, L.P. (2005a). *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.

Levenson, J.S., & Cotter, L.P. (2005b). *The effect of Megan's Law on sex offender reintegration*. *Journal of Contemporary Criminal Justice*, 21(1), 49-66.

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), 168-199.

Levenson, J.S., D'Amora, D.A., & Hern, A. (2007b). *Megan's Law and its Impact on Community Re-entry for Sex Offenders*. *Behavioral Sciences & the Law*, 25.

Levenson, J.S., & Hern, A. (2007). *Sex offender residence restrictions: Unintended consequences and community re-entry*. *Justice Research and Policy*, 9(1), 59-73.

Losel, F., & Schmucker, M. (2005). *The effectiveness of treatment for sexual offenders: A comprehensive meta-analysis*. *Journal of Experimental Criminology*, 1, 117-146.

Maguire, K., & Pastore, A.L. (2003). *Sourcebook of criminal justice statistics 2003*. Washington, DC: U. S. Department of Justice, Bureau of Justice Statistics.

Marques, J.K., Wiederanders, M., Day, D.M., Nelson, C., & van Ommeren, A. (2005). *Effects of a relapse prevention program on sexual recidivism: Final results from California's Sex Offender Treatment and Evaluation Project (SOTEP)*. *Sexual Abuse: A Journal of Research & Treatment*, 17(1), 79-107.

Maruna, S. (2001). *Making good: How exconvicts reform and rebuild their lives*. Washington DC: American Psychological Association.

Maruna, S., LeBel, T.P., Mitchell, N., & Naples, M. (2004). *Pygmalion in the reintegration process: Desistance from crime through the looking glass*. *Psychology, Crime & Law*, 10(3), 271-281.

Meredith, T., Speir, J., Johnson, S., & Hull, H. (2003). *Enhancing Parole Decision-Making through the Automation of Risk Assessment*. Atlanta: Applied Research Services, Inc.

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

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

- 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.
- Nelson, M., Deess, P., & Allen, C. (1999). *The First Month Out: Post-Incarceration Experiences in New York City*. New York: Vera Institute of Justice.
- 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.
- Petersilia, J. (2003). *When Prisoners Come Home: Parole and prisoner reentry*. New York, NY: Oxford University Press.
- Prentky, R.A., Lee, A.F., Knight, R.A., & Cerce, D. (1997). *Recidivism rates among child molesters and rapists: A methodological analysis*. *Law and Human Behavior*, 21(6), 635-659.
- Quinn, J.F., Forsyth, C.J., & Mullen-Quinn, C. (2004). *Societal reaction to sex offenders: A review of the origins and results of the myths surrounding their crimes and treatment amenability*. *Deviant Behavior*, 25, 215-232.
- Quinsey, V.L., Harris, G.T., Rice, M.E., & Cormier, C.A. (1998). *Violent offenders: Appraising and managing risk*. Washington, D.C.: American Psychological Association.
- 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., & Bray, T.M. (2006). *Are sex offenders different? An examination of rearrest patterns*. *Criminal Justice Policy Review*, 17(1), 83-102.
- Sample, L.L., & Streveler, A.J. (2003). *Latent consequences of community notification laws*. In S.H. Decker, L.F. Alaird & C.M. Katz (Eds.), *Controversies in criminal justice* (pp. 353-362). Los Angeles: Roxbury.
- Schulenberg, J.L. (2007). *Predicting noncompliant behavior: Disparities in the social locations of male and female probationers*. *Justice Research and Policy*, 9(1), 25-57. *State v. Seering*, No. 34 / 03-0776 (Iowa Supreme Court 2005).
- Tewksbury, R. (in press). *Exile at home: The unintended consequences of sex offender residency restrictions*. *Harvard Civil Rights, Civil Liberties Law Review*.
- Tewksbury, R. (2004). *Experiences and Attitudes of Registered Female Sex Offenders*. *Federal Probation*, 68(3), 30-34.
- Tewksbury, R. (2005). *Collateral consequences of sex offender registration*. *Journal of Contemporary Criminal Justice*, 21(1), 67-82.
- Tewksbury, R., & Lees, M. (2007). *Perception of Punishment: How Registered Sex Offenders View Registries*. *Crime and Delinquency*, 53(3), 380-407.
- Tewksbury, R., & Lees, M. (2006). *Consequences of sex offender registration: Collateral*

*consequences and community experiences*. Sociological Spectrum, 26(3), 309-334.

Tewksbury, R., & Mustaine, E.E. (2007). *Stress and collateral consequences for registered sex offenders*. under review.

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.

Travis, J. (2005). *But they all come back: Facing the challenges of prisoner reentry*. Washington, D.C.: Urban Institute Press.

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*. 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.

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.

Williams, F.P., McShane, M. D., & Dolny, M. H. (2000). *Predicting parole absconders*. Prison Journal, 80(1), 24-38.

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. (2006a). *Sex offender community notification: Its role in recidivism and offender reintegration*. Criminal Justice Studies, 19(2), 193-208.

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

Zevitz, R.G., & Farkas, M.A. (2000a). *Sex offender community notification: Assessing the impact in Wisconsin*. Washington, DC: U.S. Department of Justice.

Zevitz, R.G., & Farkas, M.A. (2000b). *Sex offender community notification: Managing high risk criminals or exacting further vengeance?* Behavioral Sciences and the Law, 18, 375-391.

Zgoba, K.M., & Simon, L. (2005). *Recidivism Rates of Sex Offenders Up to Seven Years Later: Does Treatment Matter?* Criminal Justice Review, 30(2), 155-173.

Zgoba, K.M. (2004). *Spin doctors and moral crusaders: The moral panic behind child safety legislation*. Criminal Justice Studies, 17(4), 385-404

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American Psychiatric Association. (2000). *Diagnostic and Statistical Manual of Mental Disorders DSM-IV-TR, 4th Edition*.