

Sex Offender Residency Restrictions: The Illusion of Community Safety and Adverse  
Effects on Sex Offenders

Approved Michael Klemp-North

Date December 1, 2011

Sex Offender Residency Restrictions: The Illusion of Community Safety and Adverse  
Effects on Sex Offenders

A Seminar Paper

Presented to the Graduate Faculty

University of Wisconsin Platteville

Michelle DeBoer

December 2011

## Acknowledgments

*Accomplishing this paper and the completion of my degree was a journey for me. It was a very challenging and rewarding experience for me. Achieving my Master's Degree was a personal goal I have always held for myself. Now as the journey comes to a close, I feel a great sense of accomplishment and satisfaction. This would not have been possible without the support of my family and the staff of UW Platteville.*

*To my husband and family. You continuously gave me encouragement and supported me throughout this journey. You understood the time and dedication I put towards my career and school work and waited patiently for me to finish. Thank you.*

*Thank you to all the instructors that I had the opportunity to work with at UW Platteville. I appreciate all the knowledge and support that you provided me with. Thank you to Mike Klemp-North for the guidance you gave me when writing this paper.*

## Abstract

### Ineffectiveness of Sex Offender Residency Restriction and their Adverse Effects on Sex Offenders

Michelle DeBoer

Under the Supervision of Mike Klemp-North, PhD

#### **Statement of the Problem**

Policies for sex offender management are designed to prevent sex crimes, protect children and reduce recidivism rates. Most recently, concerns of sex offenders residing in communities have led to a growing trend of sex offender residency restrictions in states and local communities. These policies prohibit sex offenders from establishing a residence within a certain distance from areas children tend to congregate. The most common form of residency restrictions do not allow sex offenders to reside within 1,000-2,000 feet of from parks, schools, day cares, playgrounds and bus stops (Levenson & Cotter, 2005). As of 2008, approximately 30 states have enacted sex offender residency restrictions and this number continues to grow due to their popularity (Center for Sex Offender Management, 2008).

The purpose of residency restrictions is to diminish the opportunity for victimization by reducing the contact known sex offenders have with children. However, research does not suggest that residency restrictions achieve their goals of reducing sexual based recidivism and protecting the public (Levenson & D'Amora, 2007).

### **Method of Approach**

Information for this paper will be based upon secondary sources. Prior research and studies will be referenced to discuss the purpose of sex offender residency restrictions, why they fail to meet their intended goals and the consequences they have on known sex offenders. I will address prior research specific to sex offenders for recommendations on more effective methods of sex offender management. These sources will be collected from accredited journals, textbooks, credible internet resources.

### **Research Outcomes**

Sex offender residency restrictions create a false sense of security and have negative consequence for known sex offenders. Residency restrictions make it difficult for offenders to find appropriate and affordable housing, increase distances to employment and treatment opportunities, create additional financial and family stress, reduce social support networks, and increase homelessness. Removing sex offender residency restrictions will assist sex offenders in their transition into society and create a more stability for them which will reduce the likelihood they will reoffend.

The media portrays all sex offenders as child predators. Communities need to understand that not all sex offenders target children or have a high risk to reoffend. Implementing sex offender management strategies based on a specific known sex offenders risk to reoffend is a more effective approach to community safety and reducing sex offense recidivism. This includes utilizing risk assessment tools, creating child safety zones, increase sex offender treatment opportunities and educating the community about the truths of child sexual abuse.

## Table of Contents

	Page
Approval Page	i
Title Page	ii
Acknowledgements	iii
Abstract	iv
Table of Contents	vii
I. Introduction	1
II. Literature Review: Sex Offender Residency Restrictions	4
A. State Studies	
B. Case Studies	
III. Application of Theory on Sex Offender Residency Restrictions	18
A. Routine Activities Theory	
B. Labeling Theory	
C. Reintegrative Shaming	
IV. Findings	24
V. Recommendations	29
A. Elimination of Sex Offender Residency Restrictions.	
B. Utilization of Risk Assessment Tools	
C. Increased Availability and Use of Sex Offender Treatment	
D. Create Child Safety Zones	
E. Global Positioning System and Electronic Monitoring	
F. Educate Communities on Sex Offenders and Child Sexual Abuse	
VI. Summary and Conclusions	35
VII. References	38

## **I. Introduction: Sex Offender Residency Restrictions**

The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, also known as the Wetterling Act, is a United States law that requires states to implement sex offender registry programs. It was enacted as part of the Federal Violent Crime Control and Law Enforcement Act of 1994. The Wetterling Act requires states to form a sex offender registry publicizing offenders convicted of certain sexual offenses. This act was passed in the honor and in memory of Jacob E. Wetterling. Jacob was an eleven-year-old boy who was abducted from his home town of St. Joseph, Minnesota. Several months prior to Jacob's abduction, another boy had been kidnapped and sexually assaulted and the method and behavior of this abduction was similar to Jacobs's case. Jacob's disappearance motivated his family and community members to create the Jacob Wetterling Foundation in January 1990. Their mission is to protect children from sexual exploitation and abduction, by promoting education, help for victims to create laws aimed at sex offenders. (Bureau of Justice Assistance, 2009).

Megan's Law is named after seven-year-old Megan Kanka, a New Jersey girl who was raped and killed by a known child molester who lived across the street from her family. On July 29, 1994, a convicted sex offender, Jesse Timmendequas used a puppy to lure her into his residence. He then sexually assaulted her before putting plastic bags over her head and strangled her with a belt. Megan's family was not aware that a convicted sex offender resided in their neighborhood. In the wake of the tragedy, the Megan's family sought to have local communities warned about sex offenders in the area. Megan's Law was an amendment to the Wetterling Act in 1996. Megan's law requires law enforcement



agencies to make certain information available to the public regarding registered sex offenders. All states now have a form of Megan's Law in order distribute sex offender information to the public. (State of California Department of Justice, 2009)

On February 24, 2005, nine- year- old Jessica Lunsford was abducted from her home by a 47-year-old convicted sex offender John Couey. In a later confession, John Couey admitted that he entered her residence in the early morning hours and instructed her to follow him to his nearby residence. He kept her in his bed that night where he raped her that evening and the following morning. John Couey kept Jessica in his closet for three days before he tricked her into getting into a garbage bag before burying her alive. Mark Lunsford advocated for new legislation to increase the monitoring of convicted sex offenders released from prison and soon the Jessica Lunsford Act was created.

Sex offenders are universally stereotyped as dangerous pedophiles and are despised among the general population and other offenders. This general belief erupted from the several egregious crimes of child abduction, sexual assault and murder that dominated the media and create a wave of worry throughout the nation. As a result, the public wanted increase monitoring of sex offenders in order to protect their children.

The most recent method of sex offender management is the implementation of residency restrictions laws or local ordinances. Sex offender residency restrictions place barriers on where convicted sex offenders can and can not reside. While each state or local community has their specific limitations, most commonly they prohibit sex offenders from residing within a certain distance from a school, child care facility, park or other areas children tend to congregate. The purpose of these restrictions is to limit the

opportunities for offenders to victimize children. The focus of protecting the public dominates individual rights when it comes to sex offender legislation and has tremendous support from the public. Sex offender residency restrictions are now implemented in approximately 30 states and various cities. Despite limited research about their effectiveness, residency restrictions are only gaining in popularity (Association for the Treatment of Sexual Abusers, 2008).

The purpose of this research is to address the effectiveness of sex offender residency restrictions. Through discussion of data and research on sex offenders will demonstrate the adverse effects of residency restrictions and how they do not meet their intended goals of increasing public safety. Recommendations will be made to eliminate residency restrictions and replace them with more effective methods of sex offender management.

## **II. LITERATURE REVIEW**

### **SEX OFFENDER RESIDENCY RESTRICTIONS**

Individuals who are convicted of a sexual assault related offense typically have more difficulty locating a residence compared to other offenders. According to Kester (2009), sex offenders face many factors that make locating a residence very difficult. This includes lack of employment skills, financial means, a lack of medical insurance, minimal life skills, hostility and fear that they will not be accepted by the community, and lack of family support. Since a majority of sex offenders are required to register with their state's sex offender registry program, their crime is widely publicized. Tenants and neighbors are not always accepting to have a sex offender residing in their building and neighborhood. Tenants are hesitant to rent to sex offenders because they fear they will be responsible for actions of a tenant and do not want to jeopardize the safety of other tenants or neighbors. In recent years, sex offenders have been challenged with additional barriers in their search for a residence (Kester, 2009).

Sex offender residency restrictions are laws and ordinances enacted by states and municipalities that restrict convicted sex offenders from moving to or residing in close proximity to areas where children tend to congregate. Across the United States residency restriction laws enforce buffer zones between 1,000-2,500 feet of schools, daycare centers, parks, and bus stops. The restrictive natures of these laws have grown to include more areas, expanding the zones around the areas in which habiting in is prohibited, preventing employment in certain areas, and restricting ability to enter instead of just residing near certain areas (Agudo, 2008). In addition to state laws, individual counties,

cities, and towns are passing municipal sex offender zoning ordinances (Levenson & D'Amora, 2007). Vandervort-Clark (2009), reports:

"Over the last two decades, interest in legislating policy responses to sex offender management has seen a marked increase. Between 2007 and 2008, no fewer than 1,500 sex offender related bills were introduced in state legislatures, and over 275 new laws were passed and enacted" (as cited in Tabachnick & Klein, 2011).

As of 2008, approximately 30 states have enacted sex offender residency restrictions and the amount continues to grow (Center for Sex Offender Management, 2008).

Residency restrictions vary in each state. There are also local communities and cities who have implemented their own ordinances to address where convicted sex offenders can live and their ability to frequent certain public locations. Georgia's legislation includes living, working, and loitering 1,000 feet within bus stops, skating rinks, churches, and pools in their residency restriction law. If a registered sex offender is found to be within 100 feet of any restricted area they face 10 to 30 years in prison. Upcoming housing developments in Texas screen applicants and will deny known sex offenders residency. Any individual who becomes a convicted sex offender while residing in the development will be fined up to \$1,500 a day until they move. A city ordinance in Cuero, Texas, requires sex offenders to post a sign in their yard identifying them as sex offender. In Taylor Falls, Minnesota, level three sex offenders are completely prohibited from residing in their town. Numerous cities in California have embraced ordinances that prohibit sex offenders from loitering a certain distance from places children congregate. In Mesa, Santee, Folsom, Elk Grove and National City, sex

offenders can not go within 300 feet of schools, amusement parks, and other places children tend to congregate. Sacramento County, California prohibits sex offenders from loitering within 300 feet of skate parks, libraries, pools, video arcades, youth sports facilities, bus stops, and daycares (Neito & Jung, 2006).

The creation of this method of sex offender management is based on three universal public misconceptions about sex offenders- they have high recidivism rates, they are not amendable to treatment, and “stranger danger” (Levenson, Brannon, Fortney, Baker, 2007).

The most common perception about sex offenders is that they all pose a high risk to reoffend sexually. Research shows that sex offense recidivism rates are lower than commonly believed (Bureau of Justice Statistics, 2003). In a United States Department of Justice (2003), study found that over a three year period following release from prison, 5.3% of 9,700 convicted sex offenders were arrested again following a commission of a new sex crime. Furthermore, sex offenders are often viewed as all having similar offenses based on the assumption that all registered and non-registered sex offenders have child victims. Sex offenders are not a homogenous group of offenders. They are a heterogeneous group of offenders with different risk factors, motivations, characteristics, victims, and recidivism rates (NGA, 2007). Sex offenders can include adult rapists, exhibitionists, voyeurs, pornography viewers, and individuals who have had a sexual relationship with younger underage partner. In some states individuals are required to register as a sex offender for convictions that include non-parental false imprisonment, solicitation for prostitution, video voyeurism, possession, production, or distribution of child pornography (Office of Justice Programs, 2011).

Sex offender management policies are significantly based on the public's misconception of sex offenders and the relationship to their victims. The universal premise is that children are abducted and sexual abused by strangers (Levenson, 2007). This belief is commonly referred to as "stranger danger." "Stranger danger" leads to a false sense of security among parents, leading them to believe that strangers pose the most significant risk to their children (Levenson et al, 2007). Highly publicized cases of children being abducted by strangers have created a sense of fear that this type of crime occurs more often than it truly does. According to the U.S. Department of Justice (2004), there are between 60,000 to 70,000 arrests for child sexual assault offenses, 115 are stranger abductions. Residency restrictions are a proactive response to sexual assaults by strangers, despite the fact that most sexual assaults are perpetrated by individuals known to their victims (Bureau of Justice Statistics, 2002). Child victims of sexual abuse are classically victimized by people familiar people who had easy access to them. This includes family members, friends of their parents, coaches, teachers, family acquaintances and caregivers. Adults are normally abused by significant others or acquaintances. According to the United States Bureau of Justice Statistics (2002), approximately 93% of all sexual based crimes were committed by someone known by the victim prior to the offense. Approximately 34.2% were family members and 58.7% were acquaintances (Bureau of Justice Statistics, 2002).

Sex offender treatment is stereotyped as an ineffective approach to sex offender management to reduce recidivism and is a rather controversial topic among researchers. A study by Looman et al. (2005), found that a meta-analysis of available sex offender treatment research has shown that sex offender treatment has reduced sex offense and

general recidivism. Treatment was found effective because it provides sex offenders with tools and skills needed to restrain them from committing new crimes as well as being accountable for their own behavior (Looman, et al. 2005 as cited in Cohen & Jeglic, 2007).

According to Levenson (2007), cognitive-behavioral treatment can reduce sex offender recidivism by nearly 40% (as cited in Hanson, Gordon, Harris, Marquest, Murphy, Quinsey, & Seto, 2002; Losel & Schmucker, 2005). Sawyer & Pettman (2006) found that a comprehensive outpatient sex offender treatment program had a positive impact on behaviors that were related to sexual offense cycles and reduced sexual reoffending. Their study of 153 post-treatment convicted sex offenders found that an overall criminal arrest rate of 12.4% with only 2.6% being sexual based offenses (Sawyer & Pettman, 2006).

The Minnesota Department of Corrections (2007) studied the impact of institutional based sex offender treatment on sex offender recidivism. This study collected recidivism rates of 1,020 treated and 1,020 untreated sex offenders who were released from a Minnesota prison between 1990 and 2003. This study found that sex offenders who completed sex offender treatment had lower re-offense rates compared to untreated sex offenders in sexual, violent and general types of offenses (Minnesota Department of Corrections, 2010)

The “containment model” defines victim protection and community safety as the primary goal and technique of sex offender management. This technique requires sex offenders to complete sex offender based treatment and be supervised on stringent rules while being monitored by corrections officials. Cook County, Illinois, utilizes a

containment model approach to sex offender management. A study was conducted in 2001 that compared 203 sex offenders who were receiving treatment in jail but not supervised to 78 sex offenders who were in treatment and on supervision in the containment model. This study found that 59% of the sex offenders in the containment model group did not violate terms of probation compared to 41% of those who did not complete treatment (Jenuwine et al., 2003 as cited in Nieto & Jung 2006).

## **STATE STUDIES**

Research has yet to completely investigate if residency restrictions reduce sexual recidivism; however, recent studies have begun to examine their potential deterrent effect (Minnesota Department of Corrections, 2007). In 2004, The Colorado Division of Criminal Justice researched the relationship between the location of a sex offender residence and the commission of a sexual crime. The study consisted of a random sample of 130 released sex offenders on probation supervision in the Denver area. Information was gathered from Department records after the offender sample completed 15 months on community supervision. This study concluded that restrictions on where sex offenders who are under correctional supervision are not effective methods to control sex offender recidivism because it may not deter them from re-offending (Laney, 2008, Colorado Division of Criminal Justice, 2004). According to the Colorado Division of Criminal Justice (2004), sex offenders who reoffended in this study did not live any closer to schools or daycares than offenders who did not recidivate.

In 2002, The Minnesota Department of Corrections (2007) conducted a study of the sexual re-offense recidivism patterns of 224 convicted male sex offenders on



supervision between 1990 and 2002. The purpose of this study was to determine if residency restrictions would have had any impact in the 224 recidivism cases.

Minnesota (2007) considered four specific criteria for this study. Since the purposes of residency restriction are to avert access to potential victims, all sex offenders must have established direct contact with the victim. Contact established through a third party source such as friends, family acquaintances, or other sources were not considered. Contact with the victim must have occurred within a one mile radius of the sex offender's residence and had to have taken place at a prohibited location or a location where children tend to congregation (i.e. day care centers, parks, schools). Lastly, the victim must have been under the age of 18 when the offense occurred.

The results of this study provided the Minnesota Department of Corrections with important information about the relationship of sex offenses and residential proximity. Out of 224 cases, 79 (35%) offenders had established direct contact with their victims and the remaining 65% were biologically related to the victim or met the victim through a collateral contact. In the 79 offenders, 28 had contact within a one mile radius of their own residence, 21 within 1.5 miles, and 16 within 0.2 miles. In all 224 cases, three offenders established contact with their victim in an area that would be excluded by residency restrictions. In two of the three cases, the offender resided further than 10 miles from where the sexual assault occurred; in the third case the victim was an adult. Out of all 224 cases, 85% of the sexual assaults occurred in a residence and 15% took place in a public location not including locations where children tend to congregate. Based on the results of this study, the Minnesota Department of Corrections determined that, "Not one

of the 224 sex offenses would likely have been deterred by a residency restriction law" (Minnesota Department of Corrections, 2007, pg. 2).

The Minnesota Department of Corrections submitted a report to Legislation in 2002 regarding residency restrictions on 329 of their level three sex offenders. Level three sex offenders are considered the most dangerous due to the severity and nature of their sexual offense. Thirteen of the level three sex offenders were re-arrested for committing new sexual based crimes. Minnesota found that none of them resided within 2,500 feet of any park or school at the time of their arrest. Two level three sex offenders who reoffended near a park or school drove to a location several miles away from their residence to commit their offense (Minnesota Department of Corrections, 2003). Due to the residency restrictions in Minnesota, many level three sex offenders are forced into rural areas because of the high concentration of schools in the Minneapolis and St. Paul area. Minnesota (2003) states that this would have an impact on the level three sex offenders by removing them from their social support networks and placing them in areas where they are not close to employment opportunities, treatment options, educational sources, and would make them less accessible to agents who supervise them.

## **CASE STUDIES**

Research on the impact of sex offender residency restrictions on sexual reoffending is limited to the studies discussed above. The impact of residency restrictions on sex offenders themselves and communities has proliferated in recent years.

According to the Florida Department of Corrections, sex offender residency restrictions made it difficult for sex offenders to find appropriate housing. In April 2007,

five sex offenders were residing underneath the Miami's Julia Tuttle Causeway. In February 2008, 19 sex offenders were calling the Julia's Tuttle Causeway home and the number increased to over 60 sex offenders in May 2009. The residents made makeshift homes which included furniture and a generator to run their television sets. The city of Miami enforces a curfew for the sex offenders requiring them to be in their makeshift homes between the hours of 10 p.m. and 6 a.m. Corrections and law enforcement officials allow sex offenders to continue to reside there out of fear that if they make them move, many of them will go underground and will not be supervised (Sex Offender Management Policy National Legislative Briefing, 2008).

California's Department of Corrections and Rehabilitation (CDCR) is experiencing difficulty with sex offenders being released on parole supervision due to the residency restrictions. California's legislation prohibits sex offenders from residing a quarter mile from a K-12 school and a half mile from any other school, daycare, or place where children tend to congregate. California corrections officials have allowed several paroled sex offenders to reside in their field office because they have been unable to locate them an approved residence. As a last resort, the CDCR had to place 12 sex offenders in a trailer on San Quentin Prison property to prevent them from becoming homeless and unable to be located and supervised. (Neito & Young, 2006 as cited by Martin & Fimrite, 2006). The homelessness rate of sex offenders in California has dramatically increased due to sex offender residency restrictions. According to Kester (2009), the number of registered sex offenders reporting themselves as being homeless increased from 2,050 in 2006 to 3,267 in August 2008. Furthermore, their transient

registration of parolees increased approximately 800% from 88 in November 2006 to 1,056 in June 2008 (Kester, 2009).

Iowa became the first state to implement the most stringent sex offender residency restrictions in 2002, prohibiting convicted sex offenders from residing within 2,000 feet of schools, parks, and daycares. According to Tom Ferguson of the Iowa County Attorney's Association, Iowa has experienced many unintended consequences due to residency restrictions. When Iowa implemented this law, the state had approximately 80-90 registered sex offenders whose whereabouts were unknown. In 2008, Iowa was unable to locate the whereabouts of approximately 300-400 sex offenders required to comply with the state's registry (Sex Offender Management Policy National Legislative Briefing, 2008). The American Civil Liberties Union challenged Iowa's residency restrictions in a class action suite and granted a temporary injunction by the U.S. District Court. In 2005, the Eighth Circuit Court of Appeals upheld Iowa's legislation declaring sex offender residency restrictions as a form of civil regulation, rather than punishment (Nieto & Jung, 2006).

Research has shown that available housing significantly declines when residency restrictions are implemented. In Orange County, Florida, researchers used geographical information systems (GIS) mapping technology to determine how much housing would be available to sex offenders and how restrictions further affect sex offenders. Researchers found that out of 137,944 zoned residential properties, 23% were located within 1,000 feet of a school and 64% were within 2,500 feet. This reduced the amount of available housing options to approximately 106,888 and 50,108. Schools, parks, daycares and bus stops further reduced the amount of housing to 4,233 within 1,000 feet

buffer zones and 37 within 2,500 feet buffer zones. Bus stops were the most restrictive as 93% of the residences fell within 1,000 feet and 99.6% within 2,500 feet of a bus stop. In addition, the total amount of housing represents all properties indicating that only a small amount is available for rent or purchase (Zandbergen & Hart, 2006, Levenson, 2008).

Researchers have investigated the complete impact residency restrictions have on sex offenders. Tweksbury (2005) addressed collateral consequences that residency restrictions had on with 121 convicted sex offenders. This study found that 47% reported they were harassed and 45.3% reported being denied a house or had lost their home. A survey of sex offenders in Indiana found that upon release from prison 26% were unable to return to their residence, 37% could not live with their family and approximately one-third were denied by a landlord. The surveyed sex offenders reported that when approved housing was found, it was not affordable and it was located in areas that were less accessible. They were located further from employment opportunities, social services and mental health treatment facilities (Levenson & Hern, 2007).

Levenson and Cotter (2005) devised a study to better understand the intended and unintended consequences of residency restrictions (Levenson and Hern, 2007). Their study was conducted in 2004, prior to Florida enacting sex offender residency restrictions throughout the state. Levenson and Cotter (2005) found that residency restrictions significantly decreased housing options available to convicted sex offenders. Residency restrictions reduced the total amount of residential properties in Orange County alone from 137,944 to 4,233 residences within 1,000 feet buffers zones and 37 residences within 2,500 feet of buffer zones. Florida has now enacted city ordinances prohibiting sex offenders from residing within 2,500 feet of schools, parks, daycares, and bus stops.

Levenson and Cotter (2005) also surveyed 135 convicted sex offenders in Florida regarding their perception of residency restrictions and how it affects community reintegration. Of the 135 sex offenders who were affected by residency restrictions, 50% reported they were forced to move from a residence they were already living in and 25% were unable to return to their residence after being convicted. In this study, sex offenders indicated experiencing additional consequences from residency restrictions besides being forced to move. Additional consequences included feelings of isolation, financial and emotional stress, and decreased stability. Furthermore, the sex offenders reported that residency restrictions have no specific affect on their decision to reoffend or not (Levenson and Cotter, 2007). This study concluded that residency restrictions disrupted stability and increased psychosocial stressors that lead to dynamic risk factors associated with sexual reoffending.

Levenson (2008) investigated the outcome of residency restrictions as perceived by 109 convicted sex offenders in Broward County, Florida. A majority of surveyed offenders report that they had difficulty finding a residence because available housing was diminished significantly. Some offenders even reported that they had been placed in jail on a probation violation for disobeying residency restrictions. One offender reported, "It's been 3 months... and I have given my probation officer at least over 100 addresses and still haven't found a place to live yet" (Levenson, 2008, pg. 11). Of all the offenders surveyed, 39% reported being homeless a standard of two or more days and reported an average of moving two times as a result of residency restrictions. The effects of residency restrictions reported by sex offenders exceed the issue of locating an approved residence. They also reported financial, emotional, and practical hardships.

They described that residency restrictions forced them to reside further away from social support systems, employment, social services and public transportation. More significantly, sex offenders themselves reported they felt such restrictions did not prevent sexual assault recidivism. Approximately three quarters of the offenders reported that if they wanted to reoffend they would do so despite such restrictions prohibiting them from residing near children. In addition, the offenders reported concerns that such restrictions and consequences for not following them can cause an increase in stress contributing to their risk to reoffend (Levenson, 2008).

Minnesota (2003), found that the biggest obstacles facing sex offenders is their ability to secure a stable residence and employment because residency restrictions force sex offenders to rural areas outside city limits where housing is scarce and transportation is difficult to obtain. While these secluded rural areas are free of exclusions zones, they also push sex offenders into less populated areas with minimal opportunities for housing, employment, and treatment options. These secluded areas make sex offenders less observable to public and corrections officials. Minnesota (2003) suggests that restrictions would be best implemented on a case-by-case basis to determine if it would be an effective sex offender management strategy for each offender based on their risk to reoffend.

### **Summary of Literature Review**

It appears that there is a vast amount of questions and concerns regarding residency restrictions and not enough literature and research available to empirically confirm that they will protect communities. Many states and local municipalities continue to adopt strict sex offender residency restrictions; very few actually have address the

effectiveness and benefits of such restrictions compared to their potential consequences. It is necessary that further research be conducted to clarify the relationship between sex offender residences in proximity to areas children tend to congregate and sexual recidivism. Sex offender policies that roughly incorporate all convicted sex offenders fail to consider research evidence into their implementation. Aggressive sex offender policies should be applied to the most dangerous sex offenders who require the maximum amount of supervision. In addition, communities should adapt methods and policies that empirically proven to protect communities and utilize other methods of effective offender management. This includes utilizing risk assessment tools to determine which offenders are a high risk to reoffend against children, educating communities, increase the availability for sex offender treatment and child safety zones. It is important that communities remain safe while allowing sex offenders to productively and effectively reintegrate in the community.

Following this literature review, the remainder of this paper will further address sex offender residency restrictions. The following section will discuss theoretical arguments resulting in residency restrictions as well as why they are ineffective. Section IV discusses research findings and addresses recommendations for practical applications of more effectual methods of sex offender management in effort to reduce sexual recidivism.



### **III. Application of Theory on Sex Offender Residency Restrictions**

There are many criminological theories to help understand and explain why certain people choose to engage in criminal behavior. Once it is understood, we can then further develop strategies to help reduce the factors and environments that encourage or cause criminal behavior. In regards to sex offenders, routine activities theory, labeling theory and reintegrative shaming can be applied to sex offender residency restrictions in relationship to criminal behavior. This paper will address these three criminological theories to explain why sex offender residency restrictions were implemented and in return, how they may increase recidivism rate. Understanding why sex offender reoffend can help use to design successful management strategies that create safer communities.

#### **Routine Activities Theory**

Sex offender residency restrictions were initially implemented as a proactive response to sex offense recidivism. They are specifically designed to prevent motivated offenders from being in a place or situation where victims are available and easily accessible. Routine activities theory requires three factors that must come together for a predatory crime to occur. According to this criminological theory, a motivated offender must come in contact with a suitable target in the absence of a capable guardian (Cohen & Felson, 1979). In the case of sex offender residency restrictions, routine activities theory suggests predatory sex offenders are more likely to commit new sex offenses when they have unrestricted and unmonitored contact with accessible victims and children (Zandbergen, Levenson, & Hart, 2010). Allowing sex offenders to live in close proximity to schools, daycares, and other areas children tend to congregate increases

opportunities for sex offenders to have contact with children therefore; increasing their sexually deviant preferences and child sexual abuse (Zandbergen et al., 2010).

Routine activities theory does not appear to be a reliable basis for implementing residency restrictions based on prior research and what is known about sex offenders. Routine activities theory suggests that sex offender purposely seek out residences that are in close proximity to child victims, assuming that most sex offenders are predatory offenders. However, much like any offender, sex offenders seek out housing that is affordable and located in a convenient location. Most residences that are close to employment opportunities and easily accessible are generally in more urban populated areas where schools and daycares are also located. In addition, if predatory sex offenders want to establish a relationship with potential victims they can simply travel to areas where children congregate despite where they reside. According to Zandbergen et al., (2010), living close to schools or daycares does not increase contact with children in a way known to induce sex offender recidivism for already convicted sex offenders.

It appears that routine activities theory can be more proficiently applied to child safety zones. Child safety zones are another method of restricting sex offender movement into areas where children tend to frequent while not dictating where offenders can and can not reside. Child safety zones address risk with sex offender access to children when they frequent or loiter in areas where relationships with children can develop. The implementation of child safety zones prohibit sex offender access to children, therefore preventing them from opportunities to engage in grooming practices by becoming familiar with children and developing relationship with them that can create an opportunity for a sexual assault to occur (Zandbergen et al., 2010).

The application of routine activities theory also factors in capable guardians, an exceedingly significant factor when addressing child sexual abuse. According to this theory, controlling sex offender contact with children will decrease the likelihood a child will become a victim of sexual abuse. It is not realistic to assume that children will be safe if communities restrict where convicted sex offenders can and cannot reside. Known and potential sex offenders will have contact with children despite where they reside and it is not feasible to prohibit all forms of contact with children. Society would be naïve to believe that only convicted sex offenders are dangerous to children. All sex offenders committed their offense before they were convicted and due to the sensitive nature of sexual crime, many offenses go unreported which means offenders go undetected. Also, this theory operates under the assumption that sex offenders are all predatory, not opportunists. Research shows that a majority of child sex offenders victimize children who are known to them (Bureau of Justice Statistics, 2002). This suggests that the most significant factor in protecting children is to increase guardianship at times and places where known or potential offenders have an opportunity to target children. Research should further look into community education and sex offender registration programs and if it helps deter sexual victimization.

### **Labeling Theory**

Unlike other offenders, sex offenders typically have their offense broadcasted to the public. Their convictions label them as a sex offender, child molester, and pedophile despite what their true conviction is. Community notification laws and sex offender registry programs operate under the assumption that once a sex offender is labeled and

the public is notified of their whereabouts, the public will be safer. Labeling can have detrimental effects on an individual who is trying to reintegrate into society. According to the labeling theory of crime, "Labeling or societal reaction thus has an ironic unanticipated effects; it creates the very thing it is intended to stop-creating a self-fulfilling prophecy" (Cullen & Agnew, 2006). Sex offender residency restrictions treat all convicted sex offenders as if they are a danger to children and that they prey on victims unknown to them. Due to society's reaction to sex offenses, being labeled a sex offender, especially a pedophile, can have significant repercussions. Labeling can create an environment where sex offenders are retaliated by community members. An offender who is trying to be a successful member of society can be hindered by this label, making them unable to move on in a positive direction in life and create a stable lifestyle necessary to reduce the likelihood they will reoffend. Offenders are less likely to reoffend when they have close ties to conventional society and when they feel that sanctions against them are fair (Cullen & Agnew, 2006). Sex offender residency restrictions are applied to offenders even after they complete their court imposed sentence. Many feel these ongoing restrictions are unnecessary or unjust because they have already completed their sentence to society. These restrictions continue to label them as a sex offender with the assumption they will reoffend.

### **Reintegrative Shaming**

Offenders are less likely to reoffend when they feel connected within a community. Braithwaite's theory of crime argues that "stigmatizing shaming increases crime" especially when "no effort to reconcile the offender with the community" (as cited

in Cullen & Agnew, 2006). In this case, the offender may feel disconnected from the community and more likely to accept and acknowledge criminal values. Braithwaite further recognized that shame can be a positive experience when it is followed by reintegration into the community. According to Braithwaite's theory of reintegrative shaming:

"Accepting the repentant offender back into the community reinforces the offender's conventional social bonds and keeps him or her from seeking out the company of other criminals. The result is that reintegrative shaming strengthens pro-social influences in the offender's life and thus reduces recidivism" (Cullen & Agnew, 2006).

This is not the case with sex offender residency restrictions because they make reintegration into the community a challenge. Due to these restrictions, many offenders can not return to their original residence or reside with or close to their family members. They also make establishing a stable residence difficult and many approved residences are located in areas where crime is prevalent. These sanctions do more harm than good and shame offenders while not making them feel accepted within the community

The application of these theories on criminal behavior indicates that sex offender residency restrictions may increase the likelihood that an offender may recidivate. The routine activities theory provides one explanation why residency restrictions are implemented. In the case of sex offender residency restrictions, it suggests predatory sex offenders are more likely to commit new sex offenses when they have unrestricted and unmonitored contact with accessible victims and children. On the other hand, sex offender residency restrictions create an environment for sex offenders that can increase

the likelihood they will recidivate. Shaming and labeling a sex offender may make them more likely to accept and acknowledge criminal values because by severing relationship with positive community connections. There are more effective methods of sex offender management to keep communities safe that will also encourage offenders and create opportunities for them to make a pro-social adjustment in society. These theories need to be considered when implementing sex offender restrictions and will be considered when making recommendations for successful strategies of sex offender management and community protection.

#### **IV. Findings**

Sex offender residency restrictions are a multifaceted approach to offender management with growing interest in the United States. Unfortunately, sex offender residency restrictions fail to meet policymakers and the general populations' expectations for their existence to provide for safer communities. Their purpose is to keep known sex offenders away from areas where children congregate, therefore preventing opportunities to victimize children. A Department of Justice (2003), study found that strangers commit no more than 10% of all child molestation crimes. This was also supported in a 1997 study of incarcerated child sex offenders in prison, which found that only 7% were incarcerated for sexually assaulting victims unknown to them.

Research has shown that residency restrictions fail to reduce recidivism rates in regards to sexually-based offenses. A study completed by the Colorado Division of Criminal Justice (2004), found that sex offenders who reoffended did not live any closer to schools or daycare centers than offenders who did not recidivate. According to the Minnesota Department of Corrections (2007), there is no evidence that residential proximity to schools or parks affect re-offense rates. Social or relationship proximity is a key factor in sexual assault recidivism, not residential proximity. In an additional study of 224 sex offenders, the Minnesota Department of Corrections found that 65% were biologically related to the victim or met the victim through a collateral contact. In all 224 cases, only three offenders established contact with their victim in an area that would be considered an exclusion zone. In two of the three cases, the offender resided further than 10 miles from where the sexual assault occurred, and in the third case the victim was an

adult; these studies yielded them as ineffective and unnecessary (Minnesota Department of Corrections, 2007).

Residency restrictions not only affect the public perception of sex offenders, but it also has tremendous affects on the lives of convicted sex offenders. Sex offender residency restrictions have adverse effects and psychosocial consequences on sex offenders including financial, emotional, and practical difficulties (Levenson, 2008). "Efforts to rehabilitate offenders and to minimize the rate of reoffending are much more successful when offenders are employed, have family and community connections, and have a stable residence" (Iowa County Attorney's Association, 2006).

Residency restrictions drastically reduce housing options for sex offenders making it significantly difficult for them to locate appropriate housing. According to Durling (2006), theses restrictions severely affect low income offenders and those recently released from prison by ostracizing them from society. Many report that they are forced to reside in areas where housing is limited and less affordable. According to Levenson (2008), many offenders experience transience resulting from residency restrictions including continuous moves, homelessness, and jail stays. California reports difficulty placing offenders upon their release from prison. One parole office has sex offenders residing there because they have no where else to live. They also had to put a trailer on the San Quentin Prison property in order to prevent sex offenders from being homeless or lose track of their whereabouts and activities (Neito & Jung, 2006).

When sex offenders are ostracized by the community and lack employment they tend to gather in socially disorganized neighborhoods with limited positive resources to protect members of the community and to deter crime (Mustaine, Tewksbury, & Stengel,



2006). Banishing sex offenders to areas outside the community creates additional hardships for offenders and makes integration into the community a significant challenge. Obtaining and maintaining employment is difficult because options are limited and transportation is less accessible and more difficult to obtain. A risk assessment study completed by the Virginia Criminal Sentencing Commission (2001), found that employment is a major factor affecting whether or not sex offenders on parole supervision relapsed and reoffended (Neito & Jung, 2006).

Residency restrictions can also force sex offenders to reside in areas where they are not close to social support networks. Many are unable to reside with family and friends because of such restrictions. A survey of sex offenders released from Indiana prisons found that 37% of sex offenders could not live with family members upon release (Laney, 2008). In addition, social support and employment are considerable factors for offenders to maintain stability, and the absence of these pro-social factors is associated with higher recidivism rates for offenders in general. According to the Colorado Department of Public Safety (2004), the state of Colorado found that sex offenders who had a positive social support system had significantly lower recidivism and fewer rule violations while on supervision than those who had negative or no support. Residency restrictions also have an impact on the family members of convicted sex offenders; for example, families may be forced to relocate causing additional economic and financial hardships.

Sex offender residency restrictions are not widely accepted by law enforcement, correction agencies, or sex offender treatment specialists. According to the Colorado Department of Public Safety (2004), sex offender residency restrictions are not in the best

interest of the public because they undermine the whereabouts and monitoring of sex offenders. Residency restrictions can lead to offenders becoming homeless, changing residences without notifying authorities of their new address, registering with a false address, or even disappearing. If sex offenders do not register, then law enforcement and the public do not know where there are living; therefore, the sex offender registry program does not serve to protect the public and is deemed ineffective (Iowa County Attorney's Association, 2006). Corrections agencies and law enforcement report that sex offenders are more difficult to monitor and track because residency restrictions increase homelessness rates; for example, in California, the homelessness rate of sex offenders has increased from 2,050 in June 2007 to 3,267 in August 2008, an increase of 60% since implementation of residency restrictions (Kester, 2009). Corrections agencies report that residency restrictions encourage offenders to provide false addresses or refuse to comply with sex offender registry programs. In Iowa, the number of sex offenders who failed to register increased from 142 in June 2005 to 346 in December 2006 (Laney, 2008). Some law enforcement agencies have refused to enforce such restrictions stating that they force sex offenders into rural areas or even vagrancy, and they also make them less stable within the community. According to the Iowa County Attorney's Association (2006), the number of plea agreements in sex offender cases has reduced because of residency restrictions. This means many will not be convicted of the sex offense and will not be held accountable, thereby remaining unmonitored and untreated in the community (Iowa County Attorney's Association, 2006, as cited in Levenson & Hern, 2007). John Gruber, the executive director of the Association for the Treatment of Sexual Abusers openly disagrees with residency restrictions stating, "What you're doing is pushing people more

underground, pushing them away from treatment and pushing them away from monitoring" (John Gruber as cited in Neito & Jung, 2006).

Sex offenders themselves have reported the negative consequences they experience because of residency restrictions. Levenson and Cotter (2005), surveyed 135 convicted child molesters in the state of Florida. A majority of the surveyed sex offenders reported that residency restrictions increased isolation, created financial and emotional stress, and led to a decrease in their stability. The sex offenders in this study further indicated their risk to reoffend increased with isolation from family support networks. Most importantly, the majority of offenders reported residency restrictions would have no effect on their risk to reoffend and most reported that they were careful not to offend close to their homes. One sex offender stated, "I think that if someone wanted to reoffend, then they would do it at a place away from home instead of putting themselves at risk of getting caught [near home]," (Levenson & Cotter, 2005, pg.174),

## **V. Recommendations**

Sex offender residency restrictions are an ineffective approach to sex offender management. They fail to reduce sexual assault recidivism and do not increase public safety or prevent child victims. Sex offender residency restrictions can actually create additional hardships for offenders which may increase the likelihood they will reoffend. The following recommendations are made to lessen the adverse effects of sex offender residency restrictions and suggest methods of more effective management of convicted sex offenders.

### **Eliminate Sex Offender Residency Restrictions**

States and local cities need to eliminate active residency restrictions. They are an ineffective method of managing sex offenders and they fail to meet their sole purpose of providing community safety. Residency restrictions continue to be enacted based on universal misconceptions of sex offenders and not empirical research. The Colorado Department of Public Safety (2004), found that sex offenders who recidivated did not live any closer to parks, schools, or daycares than sex offenders who did not recidivate. The Minnesota Department of Corrections (2007), studied sex offenders who reoffended and found that none would have been deterred if residency restrictions were implemented; as a result of their studies, the state of Minnesota did not adopt residency restrictions. Communities need to spend their time and money on methods of supervision that will ultimately protect the community.

### **Utilization of Risk Assessment Tools**

The one-size-fits-all approach is not an effective method of sex offender management because not all sex offenders have the same type of offense or present

similar threats to reoffend. The goal of offender accountability and making communities safer can be done by supervising sex offenders based on their risk to reoffend and apply residency restrictions to only the most dangerous offenders (Levenson, 2005).

Researchers have been able to identify factors associated with sexual assault recidivism which has created the development and implementation of risk assessment tools (Neito & Jung, 2006). Risk assessment tools can classify offenders into risk categories to help determine which offenders are more likely to commit a new sex crime in the future. An effective risk assessment tool can allow law enforcement and corrections personnel to monitor and restrict the movement and activities of dangerous sex offenders while not disrupting the stability and social bonds of low risk sex offenders (Nieto & Jung, 2006).

According to Durling (2006), states should implement well-founded risk assessment criteria to categorize sex offenders based on future risk and their prior offenses, then place restrictive measures accordingly. By doing this, legislators would provide safety for their communities by identifying those who are at a high risk to reoffend. Judges could impose lengthy prison terms or impose harsh restrictions for the most dangerous sex offenders based on their identified risk. Several states use criteria and risk assessment tools when supervising sex offenders. Nebraska assesses the risk of sex offenders to determine the level of custody requirements upon release from prison (Durling, 2006). A few states apply residency restrictions to only the high risk offenders who have been identified as a sexual predator or who targeted children. For example, Arkansas and Washington only apply residency restrictions to their high risk sex offenders (CSG Staff Report).

### **Increased Availability and Use of Sex Offender Treatment**

Treatment specific to sex offenders is proven to be effective despite the misconception that sex offender can not be rehabilitated. Sex offender treatment can increase community safety by reducing the likelihood that convicted sex offenders will reoffend. Communities would benefit from making treatment more readily available and affordable for sex offenders. Correctional agencies and prisons needs to mandate treatment for sex offenders prior to release from prison or as a requirement for supervision.

Levenson (2007), reports that cognitive behavioral treatment can reduce sex offender recidivism by nearly 40% (as cited in Hanson, Gordon, Harris, Marquest, Murphy, Quinsey, & Seto, 2002; Losel & Schmucker, 2005). Sawyer & Pettman (2006) found a comprehensive outpatient sex offender treatment program had a positive impact on behaviors that were related to sexual offense cycles and reduced sexual reoffending. Their study of 153 post-treatment convicted sex offenders found that an overall criminal arrest rate of 12.4% with only 2.6% being sexual based offenses. A Minnesota Department of Corrections (2007) study found that sex offenders who completed sex offender treatment had lower re-offense rates compared to untreated sex offenders in sexual, violent and general types of offenses (Minnesota Department of Corrections, 2010)

According to the United States Department of Justice, a study of extra-familial child molesters who participated in cognitive-behavioral treatment programs had a recidivism rate of 18% compared to a 43% recidivism rate of offenders who did not participate in the treatment program (as cited by Neito & Jung, 2006). A second study found that child molesters who participated in cognitive-behavior treatment had fewer re-

arrest rates for sexual based offenses compared to offenders who did not receive treatment (U.S. Department of Justice Office of Justice Programs, 2003).

### **Create Child Safety Zones**

In recent years, some states and local communities have chosen to implement child safety zones instead of enforcing residency restrictions. Child safety zones are areas where convicted sex offenders are prohibited from entering or loitering by. These areas typically include daycares, schools, parks, playgrounds, and other areas children tend to congregate. Many local agencies enforce sanctions for sex offenders who knowingly enter an area designated as a child safety zone by imposing a fine or jail time. Levenson (2007), states that child safety zones are more effective in the management of sex offender whereabouts and activities compared to telling them where they can and can not reside. This recommendation would help keep known sex offenders away from unsuspecting children without creating major disruption in their lives.

### **Global Positioning System and Electronic Monitoring**

There are certain methods of sex offender management that can be applied to offenders who pose the most significant risk to reoffend. Global Positioning System (GPS) monitoring is a growing method of sex offender management in many states. GPS allow law enforcement or corrections agencies to track a sex offender's whereabouts and activities and alerts them when they enter a prohibited area. This method of management would best serve the public when utilized on the most high risk sex offenders, whose victim was a stranger to them at the time the offense occurred.

### **Educate Communities on Sex Offenders and Child Sexual Abuse**

There are many misconceptions of sex offenders that need to be addressed through community education in order to prevent child sexual abuse. All sex offenders are classically seen as dangerous child molesters and pedophiles who assault children unknown to them. Sex offender residency restrictions contribute to this "stranger danger" myth. "Stranger danger" leads to a false sense of security among parents, leading them to believe that strangers pose the most significant risk to their children (Levenson et al, 2007). According to the Bureau of Justice Statistics (1997), 75% of all sexual assaults are committed by an individual known to the victim. This is a family member, friend, or acquaintance. Most sex offenses are committed by those known in familiar surroundings (CGS Staff Report). Programs should be implemented in communities to educate parents about the warning signs and dangers of child sexual abuse by people within the child's family or by those who have access to them (Iowa County Attorney's Association, 2006). Members of the community should also be educated about the different types of sex offenders so they understand that not all sex offenders pose a significant threat to children.

Communities should be educated on the truths of sex offender and child sexual abuse. The community would benefit from knowing that sex offender treatment is effective and they are an offender group with a low risk to reoffend. It's also important that communities understand that not all convicted sex offenders are child molesters and do not pose a risk to victimize their children. If the universal misconceptions of sex offenders can be conveyed to the public and policymakers, then we can begin to successfully integrate sex offender into the community, and thus reduce their risk to reoffend.



While community safety is the primary concern of all sex offender management strategies, we need to implement them on an individual basis. Sexual interest in children and access to victims are significant factors associated with recidivism, so it is necessary to manage risk by limiting a child molester's contact with children. (Levenson & Cotter, 2005); this can be done by identifying individual risk factors related to sex offending patterns of behavior (Levenson & Cotter, 2005). An individualized approach to sex offender management would be in the best interest of the public and the offender, and residency restrictions should only be applied to sex offenders based on past behavior and their risk to reoffend against children.

## **VI. Summary and Conclusion**

Sex offender management is a significant issue throughout the criminal justice system. Cases of child abduction and sexual assaults are highly publicized by the media

and create a wave of worry throughout society. Cases such as Jacob Wetterling, Jessica Lunsford, and Megan Kanka gained tremendous media attention and prompted a response from policy makers. These appalling incidents of child victimization sparked the need for more stringent supervision of sex offenders in order to protect children.

There are many different supervision strategies being utilized by the criminal justice system. These include incarceration, community supervision, Global Positioning System, registration, community notification. Sex offender residency restrictions are a relatively new method of sex offender management that is proliferating throughout the nation. While the popularity among policymakers and local municipalities continues to grow, very little research has been conducted on residency restrictions. The Minnesota Department of Corrections (2007) and the Colorado Division of Criminal Justice (2004) are the two entities that explored the effectiveness of residency restrictions. Their studies found that sex offense recidivism for convicted sex offenders would not have been impacted if their states were enforcing residency restrictions. As a result of their research, Colorado and Minnesota chose not to enact sex offender residency restrictions in their state. Unfortunately, there have been no studies done to determine if residency restrictions reduce sex offender recidivism. Future research is recommended to see if sex offender residency restrictions have been successful in states and local communities who are enforcing them.

It is known that residency restrictions have adverse affects on convicted sex offenders. Sex offender residency restrictions have adverse effects and psychosocial consequences on sex offenders including financial, emotional, and practical difficulties (Levenson, 2008). They make locating housing very difficult or require many to relocate

from already established homes. They even increase the probability that an offender will become homeless or transient making monitoring difficult or nonexistent. Residency restrictions also create financial hardship, increase distances to treatment and employment opportunities, and push offenders further from social support networks. Sex offenders who had a positive social support system had significantly lower recidivism and fewer rule violations while on supervision than those who had negative or no support (Colorado Department of Public Safety Division of Criminal Justice, 2004).

Sex offender residency restrictions give the illusion that communities are safer when they are enforced. This method of sex offender management assumes that strangers jeopardize children's safety, while research proves otherwise. Parents teach their children “stranger danger” and overlook the fact that their children are more likely to be victimized by someone they know. Despite the highly publicized cases of child abductions and assaults, children are rarely abducted and sexually assaulted by complete strangers. 93% of all sexual based crimes are committed by someone known to the victim prior to the offense (Bureau of Justice Statistics, 2002). Social or relationship proximity is a key factor in sexual assault recidivism, not residential proximity. Residency restrictions make the community feel that all sex offenders pose a significant risk to reoffend by victimizing children therefore, they must be restricted from living by them (Bureau of Justice Statistics, 2003). This is simply not the case. Sex offenders have a low re-offense risk compared to other offenders. There are myriad of sexual based crimes which may require an offender to register as a sex offender. This includes indecent exposure, viewing pornography, statutory rape, or lewd and lascivious behavior. It's important that communities realize that not all sex offenders had child victims.

Sex offender residency restrictions should be eliminated and replaced with more effective methods of sex offender management and public safety measures. Several recommendations were made in response to sex offender residency restrictions. Sex offenders should be supervised and monitored based upon their sexual conviction and their risk to reoffend. This can be accomplished through the use of individual risk assessment tools. Child safety zones should be implemented to prohibit sex offenders from entering or loitering at areas where children tend to congregate, specially targeting predatory sex offenders with child victims. Corrections agencies and law enforcement should considering utilizing GPS and electronic monitoring tools on the most high risk offenders. Lastly, the public needs to be educated about the truths of sex offenders and the realities of child sexual abuse.

Similar to other laws, residency restrictions are meant to protect the public and are enacted with the utmost intentions. Unfortunately, they do not meet their intended goals of community safety and may actually increase the likelihood sex offenders will recidivate. Alternative methods of sex offender management such as child safety zones, electronic monitoring, need to be utilized if communities truly want to be safe.

## **VI. References**

Agudo, S.E. (2008). Irregular Passion: The Unconstitutionality and Inefficacy of Sex Offender Residency Laws. *Northwestern University Law Review*, 102, (1), 307-342.

- Association for the Treatment of Sexual Abusers. *Sex Offender Residency Restrictions*. (2008). Retrieved November 5, 2011 at <http://www.ATSA.com>.
- Bureau of Justice Statistics. (2003). Recidivism of Sex Offenders Released from Prison in 1994. Washington, DC.: U.S. Department of Justice. Retrieved September 6, 2011, from <http://bjs.ojp.usdoj.gov/content/pub/pdf/rsorp94.pdf>.
- Bureau of Justice Statistics (2000). *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics*. Retrieved September 6, 2011, from <http://www.ojp.usdoj.gov/bjs/pub/pdf/saycrle.pdf>.
- Center for Sex Offender Management (2008). The Comprehensive Approach to Sex Offender Management. A Project of the U.S. Department of Justice, Office of Justice Programs. Retrieved September 6, 2011, from [http://www.csom.org/pubs/Comp\\_Approach\\_Brief.pdf](http://www.csom.org/pubs/Comp_Approach_Brief.pdf).
- Cohen, L.e. & Felson, M. (1979). Social Change and Crime Rate Trends: A Routine Activity Approach. *American Sociological Review*, 44,588-608.
- Cohen, M., & Jeglic, E.L. (2007). Sex Offender Legislation in the United States: What Do We Know? *International Journal of Offender Therapy and Comparative Criminology*, 51(4), 369-383.
- 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: Division of Criminal Justice Sex Offender Management Board. Retrieved September 6, 2011 from [http://dcj.state.co.us/odvsom/sex\\_offender/SO\\_Pdfs/FullSLAFinal01.pdg](http://dcj.state.co.us/odvsom/sex_offender/SO_Pdfs/FullSLAFinal01.pdg).

- Cullen, F.T, & Agnew, R. (2006). *Criminological Theory: Past to Present*. 3<sup>rd</sup> Edition  
Roxbury Publishing Company: Los Angeles, California.
- Iowa County Attorneys Association (2006). *Statement on Sex Offender Residency Restrictions in Iowa*. Retrieved October 29, 2011 from <http://www.iowa-icaa.com/ICAA%20STATEMENTS/Sex%20Offender%20Residency%20Statement%20Dec%202011%202006.pdf>.
- Kester,K. (2009). *Housing Sex Offenders in the Community. Results of a Literature Search Conducted for the Washington State Sex Offender Policy Board* retrieved September 6, 2011, from [http://www.sgc.wa.gov/sopb1/Reports/ReportToLegislature2009/Appendix\\_T\\_KyraKesterWSUHousingAndSexOffenderTransitionFinalReport.pdf](http://www.sgc.wa.gov/sopb1/Reports/ReportToLegislature2009/Appendix_T_KyraKesterWSUHousingAndSexOffenderTransitionFinalReport.pdf).
- JML Organization.(2010). Retrieved on November 3, 2011, <http://www.jessicamarielunsford.com/news/4-year-old-girl-kidnapped-beaten-raped-and-strangled.html>.
- Laney, G.P. (2008). *Residence Restrictions for Released Sex Offenders*. CRS Report for Congress.
- Leveson, J.S. (2008) *Collateral Consequences of Sex Offender Residency Restrictions. Criminal Justice Studies*, 21(2), 153-166.
- Levenson J.S., Brannon, Y.N., Fortney, T. & Baker, J. (2007). *Public Perceptions about Sex Offenders and Community Protection Policies. Analyses of Social Issues and Public Policy*, 8(1), 1-25.

Levenson, J.S. & Cotter, L.P. (2005) The Impact of Sex Offender Residency Restrictions: 1,000 feet from danger or one stop from absurd? *International Journal of*

*Offender Therapy and Comparative Criminology*, 49(2), 168-178.

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. & Hern, A.L. (2007). Sex Offender Residence Restrictions: Unintended Consequences and Community Reentry, *Justice Research and Policy*, 9(1), 59-73.

Minnesota Department of Corrections. (2010). *The Impact of Prison-Based Treatment on Sex Offender Recidivism: Evidence from Minnesota*. Retrieved September 9, 2011, from [http://www.doc.state.mn.us/publications/documents/03-10SOTXStudy\\_Revised.pdf](http://www.doc.state.mn.us/publications/documents/03-10SOTXStudy_Revised.pdf).

Minnesota Department of Corrections (2007). *Residential Proximity & Sex Offense Recidivism in Minnesota*. St. Paul, MN: MN Department of Corrections. Retrieved September 6, 2011, from <http://www.doc.state.mn.us/publications/documents/04-07SexOffenderReport-Proximity.pdf>

Minnesota Department of Corrections (2003). *Level Three Sex Offenders Residential Placement Issues*. Retrieved September 6, 2011, from

- [http://www.doc.state.mn.us/publications/legislative-reports/pdf/2004/Lvl%203%20SEX%20OFFENDERS%20report%202003%20\(revised%202-04\).pdf](http://www.doc.state.mn.us/publications/legislative-reports/pdf/2004/Lvl%203%20SEX%20OFFENDERS%20report%202003%20(revised%202-04).pdf)
- 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.
- National Governor's Association Center for Best Practices (2007). *Managing Convicted Sex Offenders in the Community*. Retrieved September 6, 2011, from <http://www.nga.org/cms/home/nga-center-for-best-practices/center-publications/page-hsps-publications/col2-content/main-content-list/managing-convicted-sex-offenders.html>.
- 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. Retrieved July 1, 2011, from <http://www.library.ca.gov/crb/06/08/06-008.pdf>.
- Office of Justice Programs (2011). Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking. Retrieved September 6, 2011, from <http://www.ojp.usdoj.gov/smart/sorna.htm#sexoffenses>.
- Sawyer, S.P., & Pettman, P.J. (2006). Do Clients Retain Treatment Concepts? An Assessment of Post Treatment Adjustment of Adult Sex Offenders. *Sexual Offender Treatment*, 1(3).
- Sex Offender Management Policy. *Zoned Out: States Consider Residency Restrictions for Sex Offenders*. National Legislative Briefing (2008). Retrieved on September 9, 2011, from <http://www.csg.org/knowledgecenter/docs/pubsafety/ZonedOut.pdf>.



Tabachnick, T., & Klein, A. (2011). *A Reasoned Approach: Reshaping Sex Offender Policy to Prevent Child Sexual Abuse*. Association for the Treatment of Sexual

Abusers. Retrieved September 9, 2011, from

<http://www.atsa.com/pdfs/ppReasonedApproach.pdf>.

U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Crime Characteristics: Victim/Offender Relationship, (Washington, D.C.: The Department, 2004).

Zandbergen, P.A., Levenson, J., & Hart, T.C. (2010). Residential Proximity to Schools and Daycares: An Empirical Analysis of Sex Offense Recidivism. *Criminal Justice and Behavior*, 37(5), 482-502.