

SEX OFFENDERS

AND

RESIDENCY RESTRICTIONS

AN IN DEPTH ANALYSIS

Organized and Distributed
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Opposing View Points

(methodology)

PROS

- Children must be protected from pedophiles.
- Restrictions would keep registered sex offenders from living next to places where kids are and thus reduce abuse.
- Sexual abusers are habitual recidivists (reoffenders).

CONS

- No scientific research supports that these laws work.
- Violates constitutional rights of former offenders by restricting their right to live where they choose.
- Unintended consequences.

An Investigation of the Facts

- Are all sex offenders predatory pedophiles who seek to abuse children?
- What is the rate of recidivism as compared to other crimes? Are all offenders seconds away from reoffending?
- Is there a measurable effect between where an offender lives and where he commits another offense?
- Do residency restrictions keep sex offenders away from places where kids congregate (i.e. schools, parks, daycares) ?
- What do the experts and the courts say and what are the unintended consequences?

Crimes Requiring Registration

Not all Offenders are Predatory Pedophiles

- Forcible Rape
- Date Rape (either with alcohol or drugs)
- Statutory Rape (non-forcible, voluntary intercourse below the age of consent)
- Position of Authority Sex Acts (teacher/student, can be an adult or someone below the age of consent, i.e. Correctional Officer/Inmate...may involve consensual activity that is illegal based on the relationship)
- Sexual Assaults (groping or sexual contact that may be unwanted or consensual but below the age of consent)
- Public Indecency/Indecent Exposure (2 Adults engaged in a sex act in public, urination, topless nudity, or flashing/streaking etc)
- Pedophilic acts that involve grooming and a pattern of sexual assaults over a period of time.
- Distribution of Obscene Matter to minors (a playboy magazine or pornography)
- Possession of Child Pornography
- Prostitution (in some states)
- Incest
- Solicitation of a minor online (where there is no physical contact)
- Endangering the Welfare of a Child or Child Abuse/Neglect (in some states)
- Criminal Restraint (holding someone against their will, or possibly tying up a willing underage teen partner)
- Kidnapping (even by one's own parent if they are considered non-custodial)

Recidivism Data

U.S. Dept of Justice Study

(mega-analysis of 15 States released in 2003)

- Of the 9,691 male sex offenders released from prisons in fifteen states in 1994, **5.3%** were rearrested for a new sex crime within 3 years of release.
- Approximately 4,300 child molesters were released from prisons in 15 states in 1994. An estimated **3.3%** of these 4,300 were rearrested for another sex crime against a child within 3 years of release from prison.
- In 1994, released prisoners with the **highest rearrest rates** were robbers (**70.2%**), burglars (**74.0%**), larcenists (**74.6%**), motor vehicle thieves (78.8%), those in prison for possessing or selling stolen property (**77.4%**), and those in prison for possessing, using, or selling illegal weapons (**70.2%**).

Of all the criminals released from prison, sex offenders had the lowest rearrest rates for reoffending.

N.Y. Studies on Recidivism

(1986 to Present)

- In 1986, 556 sex offenders released from state prisons. A total of 49% of these were returned to prison within the **9 year follow-up period**. It should be noted that **only 6% of these (34 out of 556) were returned to prison for a new sex crime**. Source, [*\(Profile and follow-up of sex offenders released in 1986, prepared by Canestrini, K., State of New York Department of Correctional Services, released 1998\)*](#)
- Between 1985 and 2001 a total of 11,898 sex offenders were released. **Only 253 of these (2.1%) were returned to prison for a new sex crime within three years of their release**. Source, [2001 Releases: Three Year Post Release Follow up. NY Dept of Corrections.](#)
- In 2005, 19,827 offenders on the New York State Sex Offender Registry were examined. This study was unique because it included those sentenced to probation, county jail and prison (as 41% of convicted sex offenders in NY are sentenced to probation). After 8 years, **8% had been reconvicted for a new sex crime**. Source [Research Bulletin: Sex Offender Populations, Recidivism and Actuarial Assessment \(New York State Division of Probation and Correctional Alternatives, May, 2007\)](#)

Recidivism rates for ALL types of sex offenders have remained consistently low.

****Some studies have shown that sex offenders with para-philias (pedophilia especially) have higher rates of reoffense.***

Sexual Abuse Occurs Within the Circle of Trust

- **70%** of adult victims say they were abused by someone they know. *(source: Bureau of Justice Statistics, 2000)*
- **90%** of child victims say they were abused by someone they know. *(source: Bureau of Justice Statistics, 2000)*
- **75%** of sex offenses occur in the victim's own home. *(source: Snyder & Sickmund, 2006)*

Residency Restrictions are not going to help the victim who's abuser lives 3 feet from her bedroom door. Offenders are committing crimes in their own homes: not random parks, school yards or day care centers.

Residency Restrictions: Keeping offenders away from kids?

- **Restrictions are only aimed at registered offenders** and will not prevent offenders who have not been caught from sexually abusing children. A 1997 US Department of Justice study showed that 87% of the people arrested for sex crimes were individuals who had not previously been convicted of a sex offense. Source, [Lawrence Greenfeld, BJS, “Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault,” February 1997.](#)
- Residency Restrictions **only apply to where a registered sex offender lives**, not where he or she may travel. Additionally, they only control the eight-or-so hours in which a sex offender is asleep, **the hours when the risk of reoffense is essentially zero.**
- Residency restrictions only push offenders away from specified areas, not to areas where there are no children.

Empirical Data

* It should be noted that there is little data on residency restrictions, but the data that does exist should not be ignored.

Department of Corrections

Minnesota Study 2003

- “There is no evidence in Minnesota that *residential* proximity to schools or parks affects re-offense. Thirteen level three offenders released between 1997 and 1999 have been rearrested for a new sex offense since their release from prison, and in none of the cases has residential proximity to schools or parks been a factor in the re-offense.”
- The report recommends: “Since blanket proximity restrictions on *residential* locations of level three offenders do not enhance community safety, the current offender-by-offender restrictions should be retained. Proximity restrictions through an extension of conditional release that are based on the circumstances of an individual offender, serve as a valuable supervision tool. Most proximity restrictions address the issue of the offender associating or interacting with children or minors, rather than where the offender resides. Source, [LEVEL THREE SEX OFFENDERS RESIDENTIAL PLACEMENT ISSUES 2003 Report to the Legislature.](#)

Department of Corrections

Minnesota Study 2007

- Between 1990 and 2002, 3,166 sex offenders were released from state prisons. Only 224 of these were returned to prison for a new sex crime through 2006. The report concludes, “Not one of the 224 sex offenses would likely have been deterred by a residency restriction law.” ([Residential Proximity & Sex Offense Recidivism in Minnesota, April 2007](#), Minnesota Department of Corrections, p. 2)
- Additionally the report stated “ “...even when offenders established direct contact with victims, they were unlikely to do so close to where they lived. This may be due mostly to the fact that offenders are more likely to be recognized within their own neighborhoods. As a result, when direct contact offenders look for a victim, they are more likely to go to an area relatively close to home (i.e. within 20 miles of their residence), but still far enough away (i.e. more than one mile) to decrease the chances of being recognized.

Department of Corrections Colorado Study

- Colorado researchers found that molesters who re-offended while under supervision did not live closer than non-recidivists to schools or child-care centers.
- This study of high risk sex offenders concluded that “Placing restrictions on the location of ... supervised sex offender residences may not deter the sex offender from re-offending and should not be considered as a method to control sexual offending recidivism” (Colorado Department of Public Safety, 2004, p. 5).

Recent Court Decisions

Affecting Residency Restrictions

- In the summer of 2007, the COMMONWEALTH OF KENTUCKY KENTON DISTRICT COURT FOURTH DIVISION ruled the residency restriction law in Kentucky **unconstitutional**. CASE Numbers, 07-M-00604, 06-M-5879, 06-M-5885, 06-M-5932, 06-M-5915, 06-M-5920, 06-M-6814, 06-M-6031, 06-M-5834, 06-M-5930, and 06-M-5866
- September 4, 2007, a **Federal Court found the Ohio sex offender residency restriction law unconstitutional**. UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO CASE NO. 5:06-CV-96.
- November 21, 2007, the Georgia Supreme Court found that state's residency law **unconstitutional**. CASE Number S07A1043. MANN v. GEORGIA DEPARTMENT of CORRECTIONS et al. HUNSTEIN

*** *It should be noted that the Iowa Supreme Court has upheld their version of statewide residency restrictions in separate court decisions, most recently in December of 2007. However it remains to be seen if this issue will be challenged in the local Federal Courts as the next step. As noted above, at least one Federal District Court ruled similar restrictions unconstitutional a few months ago.*

Unintended Consequences

- **HOMELESSNESS**

Miami sex offenders living under bridge, USA Today, April 6th, 2007,
http://www.usatoday.com/news/nation/2007-04-06-miami-sex-offenders_N.htm.

Corrections Department spokeswoman Gretl Plessinger admits ***"This is a problem that is going to have to be addressed. If we drive these offenders so far underground or we can't supervise them because they become so transient, it's not making us safer."***

Many sex offenders are often homeless, USA Today Nov. 18th 2007,
http://www.usatoday.com/news/nation/2007-11-18-homeless-offenders_N.htm

"Residency restrictions are the linchpin for causing homelessness among sex offenders," says Frances Breyne of the Kansas Department of Corrections.

Unintended Consequences cont...

Protects one neighborhood at the expense of another.

How are neighborhoods that fall outside the zone any better equipped to deal with registered offenders than other areas?

At least 2 studies have shown **a measurable decrease in property value** as a result of a registered sex offender living in the neighborhood.

“There Goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values From Megan’s Laws” Linden, Leigh Columbia University & Rockoff, Jonah Columbia Business School (April 2006).

“The Effect of Proximity to a Registered Sex Offender’s Residence on Single-Family House Selling Price,” Larsen, James E., Kenneth J. Lowery, and Joseph W. Coleman (2003)

Unintended Consequences cont...

- **Increases the risk factors known to contribute to sex offender recidivism.**

Residency restrictions aggravate the scarcity of housing options for sex offenders, forcing them out of metropolitan areas and farther away from the social support, employment opportunities, and social services that are known to aid offenders in successful community re-entry (**Minnesota Department of Corrections, 2003**).

A survey of sex offenders in Florida indicated that “housing restrictions increased isolation, created financial and emotional stress, and led to decreased stability”, all known factors in reoffending. **The impact of sex offender residence restrictions: 1,000 feet from danger or one step from absurd?** Levenson, J., & Cotter, L. (2005).

Unintended Consequences cont...

- **Disrupts Probation and Parole Practices**

“ The need for housing for paroled sex offenders in Illinois is "close to crisis levels" because of residency restrictions”, says Jorge Montes, chairman of the Illinois Prisoner Review Board. He says it's in a Catch-22 situation, because without a place to live, a parolee cannot be released. Sex Offender Residency Laws get Second Look, Feb 25, 2007 USA Today by Wendy Koch
http://www.usatoday.com/news/nation/2007-02-25-sex-offender-laws-cover_x.htm

“There is no accommodation in the current statute for persons on parole or probation supervision. These offenders are already monitored and their living arrangements approved. The restriction causes many supervised residential placements to be unavailable even though they may be the most appropriate and safest locations for offenders to live.” Iowa County Prosecutors Office, Feb. 14 2006, in a 5 page statement calling for the repeal of statewide residency restrictions that they helped pass.

Unintended Consequences cont...

- **Detrimental Effect to Families of Registered Offenders**

“Many offenders have families whose lives are unfairly and unnecessarily disrupted by the restriction, causing children to be pulled out of school and away from friends, causing spouses to lose jobs and community connections.” Iowa County Attorneys Assoc. Feb 14, 2006

**** ‘Grandfather’ clauses only apply to offenders who own their own homes, not renters or offenders living with relatives.***

Ex: (1) Because of a 2002 deferred sentence she received for flashing and soliciting an undercover officer while she says she was under the influence of prescription medication, Nancy Phipps is a registered sex offender. Phipps, who has a 16-year-old daughter, had to move into a motel with dozens of sex offenders, including child molesters, rapists and other sexual predators after statewide residency restrictions were passed. June 24, 2007 KOTV News Tulsa, OK <http://kotv.com/news/local/story/?id=130136>

(2) Another registrant subject to residency restrictions in Michigan discussed the financial stress of trying to keep two households, “I could only find a place to live at a seedy motel, and I was not dragging my family there with me. The kids cry when I leave at night, and my wife worries sick that I have to stay away at night.” Human Rights Watch Report, No Easy Answers Sex Offender Laws in the US, Sept 2007 citation 426.

(3) Janet Allison, 45, a mother of five in Georgia, says she was forced to move from a four-bedroom home in downtown Dahlonega to a two-bedroom mobile home "way off on a dirt road" because she is a convicted sex offender and her former home was within a quarter-mile of a church. Allison says she was arrested five years ago for allowing the 17-year-old boyfriend of her pregnant daughter, then 15, to move in with them. She was convicted of being a party to child molestation. USA Today, 2/26/07 Sex-Offender Residency Laws Get Second Look.

Residency Restrictions: Bad Public Policy

- The available research, experts in sex offender management, first hand experience of other states and common sense all conclude that, from a safety standpoint, these laws are not effective in reducing sexual violence against children.

PARENTS PROTECT CHILDREN, NOT LAWS WITH GOOD INTENTIONS

* AWARENESS * EDUCATION * INVOLVEMENT