

☒ SEX OFFENDER RESIDENCE RESTRICTIONS:
UNINTENDED CONSEQUENCES AND
COMMUNITY REENTRY

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☒ Abstract

Many states and hundreds of local municipalities have passed zoning laws prohibiting sex offenders from living within close proximity to schools, parks, playgrounds, day care centers, and other places where children congregate. The purpose of this study was to investigate the positive and negative, intended and unintended consequences of residence restrictions on sex offenders. Results indicate that residence restrictions create housing instability for many offenders and limited accessibility to employment opportunities, social services, and social support. Young adult offenders were especially impacted because residence restrictions limited affordable housing options and often prevented them from living with family members. Implications for policy development and implementation are discussed.

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Sexual violence is a social problem that incites enormous fear and anger in our society, and public policies that strive to monitor and restrict sex offenders are becoming increasingly popular. 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 this particular group of criminals. Megan's Law, enacted in 1996, modified the Wetterling Act by allowing registry information to be disclosed to the public. Over time, community residents have become more aware of sex offenders living among them. As a result, many states and hundreds of local municipalities have passed zoning laws prohibiting sex offenders from living within close proximity to schools, parks, playgrounds, day care centers, and other places where children congregate. The purpose of this study was to examine the experiences and perceptions of sex offenders regarding residence restriction policies.

☒ Background

Twenty-two states now have laws restricting where sex offenders can live, with 1,000- to 2,000-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. Many of these regulations have allowed a "grandfather clause" for sex offenders who established residency prior to the passage of the law, and some 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 (*Doe v. Miller*, 2005; *State v. Seering*, 2005) and the U.S. Supreme Court has declined to rule on the issue. In December 2006, however, a Superior Court Judge in New Jersey declared a township's local ordinance unconstitutional because it 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). More challenges are underway, and currently, 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. A similar injunction exists in California after the overwhelming recent passage of Proposition 83, a comprehensive bill requiring sex offenders to live at least 2,000 feet from a school or park.

Effects on Recidivism

Little research has been conducted to investigate the impact or effectiveness of sex offender residence restrictions. An Arkansas study of 170 sex offenders

found that 48% of child molesters lived in close proximity to schools, day care centers, or parks, compared with 26% of perpetrators convicted of sex crimes against adults (Walker, Golden, & VanHouten, 2001). Although the study did not examine recidivism, and the factors contributing to residential placement choices could not be clearly identified, the authors speculated that some child molesters might be motivated to purposely live within close access to potential victims.

In Minnesota, a study was undertaken to determine whether residential proximity to schools and parks was a factor 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, 13 (4%) of those high risk offenders had been rearrested for a new sex crime. The circumstances of each recidivism case were then examined 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’s 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 case-by-case restrictions might be an appropriate supervision strategy when based on the risks and needs of each individual offender.

In Colorado, 130 sex offenders on probation were tracked for 15 months (Colorado Department of Public Safety, 2004). Fifteen (12%) were rearrested for new sex crimes, and all were “hands off” offenses (peeping, voyeurism, or indecent exposure). The researchers used mapping software to examine the sex offenders’ proximity to schools and daycare centers, and found that recidivists were randomly located and were not usually living within 1,000 feet of a school. The authors further found that in densely populated areas, residences that are not close to a school or childcare center are virtually nonexistent. They concluded that residence restrictions are unlikely to deter sex offenders from committing new sex crimes, and that such policies should not be considered a viable strategy for protecting communities.

Despite the dearth of evidence linking residential proximity to schools and sex offense recidivism, zoning restrictions are widely popular, partly due to the belief that sex offenders have extraordinarily high recidivism rates (Levenson, 2006; Levenson, Brannon, Fortney, & Baker, 2007; Quinn, Forsyth, & Mullen-Quinn, 2004; Sample & Bray, 2006). Research indicates, however, that the majority of sex offenders are unlikely to be rearrested for new sex crimes following a conviction. Average recidivism rates range from 5.3% (Bureau of Justice Statistics, 2003) to 14% (Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2004; Hanson & Morton-Bourgon, 2005) over 3- to 5-year follow-up periods,

with slightly higher rates of 24% over 15 years (Harris & Hanson, 2004). Extensive media attention to sexually motivated abductions of children creates a perception that violent sex crimes are on the rise, though according to police reports and victim surveys, sexual assaults of both adults and children are on the decline (Finkelhor & Jones, 2004; Maguire & Pastore, 2003). Residence restrictions are designed to prevent assaults by strangers, despite that such crimes are relatively rare events (Bureau of Justice Statistics, 2002) and that in the majority of sexual assaults, perpetrators are well known to their victims (Bureau of Justice Statistics, 1997).

Sex Offender Policies and Offender Reintegration

Social stability and support increase the likelihood of successful reintegration for criminal offenders, and public policies that create obstacles to community reentry may compromise public safety (Petersilia, 2003). It has been found that sex offenders who had a positive support system in their lives 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). As well, the stigma of felony conviction can interfere with the ability to assume prosocial roles across multiple domains, including employment, education, parenting, and property ownership (Uggen, Manza, & Behrens, 2004). Uggen et al. emphasized that self-concept, civic participation, and social resources are an essential link to an offender's identity as a conforming citizen and ultimately 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 ultimately they might be counterproductive (Levenson, 2006).

Indeed, a growing body of research indicates that sex offender registration and community notification can interfere with community reentry and adjustment (Levenson & Cotter, 2005a; Levenson, D'Amora, & Hern, 2007; Sample & Streveler, 2003; Tewksbury, 2004; Tewksbury, 2005; Tewksbury & Lees, 2006; Zevitz, 2006a; Zevitz, Crim, & Farkas, 2000). Between one third and one half of sex offenders surveyed in Florida, Indiana, and Kentucky reported adverse consequences such as job loss, relationship loss, being denied a place to live, threats, harassment, or property damage as a result of public disclosure (Levenson & Cotter, 2005a; Tewksbury, 2004; Tewksbury, 2005). A substantial minority (5-16%) reported being physically assaulted, and many said that collateral consequences have affected other members of their households. The majority also reported emotional distress such as shame, embarrassment, depression, or hopelessness (Levenson & Cotter, 2005a; Tewksbury, 2004; Tewksbury, 2005). In Wisconsin, a majority of

sex offenders reported housing problems (83%), isolation or harassment (77%), employment instability (57%), and harm to family members (67%) (Zevitz et al., 2000). Though vigilantism is rare, extreme cases such as arson, vandalism, and even murder of sex offenders have been documented (Sample & Streveler, 2003). Because sex offender policies can lead to ostracization and underemployment for sex offenders, many of them end up living in socially disorganized, economically depressed neighborhoods that have fewer resources for mobilizing community strategies to deter crime and protect residents (Mustaine, Tewksbury, & Stengel, 2006; Tewksbury & Mustaine, 2006; Zevitz, 2004; 2006b).

The effects of residence restrictions on sex offenders remains largely unknown, with only one published study to date. Levenson and Cotter (2005b) 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%) reported that they were unable to live with supportive family members due to zoning laws. More than half (57%) found it difficult to secure affordable housing, and 60% 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 that can lead to dynamic risk factors (Hanson & Harris, 1998) associated with sex offense recidivism.

Levenson and Cotter (2005b) 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). These newer laws have more severely limited housing options for sex offenders, especially in major metropolitan areas (Carlson, 2005; Zandbergen & Hart, 2006). Emerging data generated from geographical mapping technology confirms that residence restrictions greatly diminish housing availability. In Orange County, Florida (the Orlando metropolitan area), researchers found that combined multiple restrictions (schools, parks, daycare centers, and bus stops) reduced the number of dwellings available for sex offenders from 137,944 (total number of residential properties in the county) to 4,233 within 1,000-foot buffer zones and 37 within 2,500-foot buffer zones (Zandbergen & Hart, 2006).

The purpose of this exploratory study was to better understand the positive and negative, intended and unintended consequences of residence restrictions on sex offenders' community reintegration. Specific hypotheses were not proposed, but the study sought to clarify offenders' experiences and perceptions of the impact of residence restrictions on their lives. Indiana's law went into effect on July 1, 1999, and prohibits all sex offenders from residing within 1,000 feet of school property for the period of probation, unless the offender obtains written approval from the court ("Residency requirements for certain offenders," 1999).

☒ Method

Sampling

A purposive sample (N = 148) was drawn from a pool of adult male sex offenders attending four (three urban and one rural) outpatient sex offender counseling centers in Indianapolis, South Bend, and New Albany, Indiana. There are currently approximately 8,250 registered sex offenders in Indiana. All 200 clients attending treatment at the cooperating facilities were invited to complete a survey about the impact of sexual offender policies on their community reintegration. Out of 200 surveys administered, 148 were returned, a response rate of 74%. Clients had been on probation for an average of 24 months (median 18; s.d. 28). Slightly more than half (51%) had been in their current treatment group for less than one year, 33% had been in treatment for one to two years, and 16% had been in treatment for over two years.

Instrumentation

A survey was designed by the authors for the purpose of understanding the impact of residence restrictions on sex offenders. Client demographic data and information regarding offense history were elicited using forced-choice categorical responses in order to better protect anonymity. Participants were asked to rate three-point and five-point Likert scales indicating their degree of agreement with survey questions, and were also given the opportunity to provide narrative responses.

Data Collection Procedures

Clients were invited to complete the survey during a group therapy session. Data were collected in November 2005. Respondents were instructed not to write their names on the survey, and to place the completed questionnaire in a sealed box with a slot opening. The research was conducted in accordance with federal guidelines for the ethical treatment of human subjects.

Data Analysis

Descriptive statistics were used to interpret the results of the survey. Data analyses were conducted using Statistical Package for the Social Sciences, Version 14 (SPSS, 2006).

☒ Results

Demographics of the sample are displayed in Table 1. A minority of sex offenders (18%) indicated that they were forced to move from a home or apartment that they owned or rented due to residence restrictions, and more than one quarter (26%) said that they were unable to return to their homes after being

released from prison (see Table 2). More than a third (37%) reported that they were unable to live with supportive family members. About 30% reported that a landlord refused to rent to them or to renew their existing lease due to their being a registered sex offender. Many (38%) have had difficulty securing affordable housing as a result of restrictions on where they can live.

☒ Table 1

Demographics of Sample

Characteristic	Percentage	Characteristic	Percentage
Age		Education	
Under 25	8%	High school graduate or GED	38%
25–64	86	Attended college	45
65 or over	6	Income	
Ethnicity		\$30,000 per year or less	83
White	80	Victims (Index Offense)	
Black	14	Age 12 or under	51
Hispanic	4	Minor teens	40
Other	2	Adults	9
Marital Status		Female only	81
Currently married	21	Male only	6
Never married	24	Both genders	13
Divorced or separated	53		
Widowed	1		

☒ Table 2

Perceived Consequences of Residence Restrictions

Item	Total N = 148		% Answering Yes
	Valid (n)	Missing (n)	
Had to move out of a house that I owned.	139	9	7%
Had to move out of a residence that I rented.	139	9	11
When released from prison, was unable to return to home or apartment.	137	11	26
Unable to live with supportive family members.	137	11	37
Landlord refused to rent to me because I am a sex offender.	135	13	22
Landlord refused to renew my lease.	134	14	8
Have found it difficult to find an affordable place to live.	136	12	38
Was grandfathered in and did not have to move from a previously established residence.	132	16	3

(16% I don't know)

Table 3 describes sex offenders' perceptions about residence restrictions. Many (45%) reported experiencing negative affect as a result of housing restrictions, including depression, anger, and hopelessness. They reported that they were forced to live farther away from employment opportunities (37%), social services and mental health clinics (25%), and supportive family and friends (45%). The majority (64%) expressed anxiety that they would be unable to find a place to live at some point in the future.

Most participants did not appear to find housing restrictions helpful in managing their risk to reoffend. Although 26% agreed that zoning laws limited their access to children, only 19% indicated that such restrictions help to prevent offending. The majority (74%) reported that if they were motivated to reoffend, they would be able to find a way to do so despite laws regulating where they can live.

Bivariate correlations were used to determine the relationship between offender characteristics and negative consequences of residence restrictions (see Table 4). Offender age was the only characteristic significantly related to any consequences. Specifically, younger offenders were more likely to be unable to

☒ Table 3

Perceptions About Residence Restrictions

Item	Total N = 148		% Agree or Strongly Agree
	Valid (n)	Missing (n)	
Housing restrictions have led to financial hardship.	136	12	40%
Housing restrictions make me feel hopeless, angry and/or depressed.	136	12	45
Because of housing restrictions, I live farther away from employment opportunities.	136	12	37
Because of housing restrictions, I live farther away from social services and/or mental health treatment.	136	12	25
Because of housing restrictions, I live farther away from supportive family or friends.	137	11	45
I worry that if I have to move, I will be unable to find a place to live.	137	11	64
I am more able to manage my risk factors because I cannot live near a school, park or playground.	135	13	26
Residence restrictions are successful in limiting my access to children.	134	14	26
Residence restrictions help me to prevent offending.	135	13	19
If I really wanted to reoffend, I would be able to do so despite my residence restrictions.	133	15	74

live with supportive family members and to have difficulty finding an affordable place to live. Victim age, length of time on probation, income, and education were not significantly related to the experience of negative consequences.

☒ Table 4

Correlations Between Offender Characteristics and Negative Consequences

	Offender Age	Years of Education	Income	Most Recent Victim Age	Months on Probation
Had to move out of a house that I owned	.05	-.03	-.02	-.11	.16
Had to move out of a rental	-.08	-.15	-.08	-.10	.17
When released from prison, unable to return home	-.01	-.08	-.15	-.15	.03
Unable to live with supportive family	-.21 *	-.12	-.15	-.08	.00
Landlord refused to rent to me	-.14	.00	.00	.00	.15
Landlord refused to renew lease	-.08	.00	.03	.01	-.08
Have found it difficult to find an affordable place to live	-.31 **	.00	.00	.04	-.04

* $p < .05$; ** $p < .01$

☒ Discussion

The purpose of this study was to examine sex offenders' perceptions of the impact of residence restrictions on their reintegration. Housing restrictions appear to disrupt the stability of sex offenders by forcing them to relocate, sometimes multiple times, creating transience, financial hardship, and emotional volatility. Zoning laws appear to push sex offenders out of major metropolitan areas into more rural communities where employment, social services, mental health treatment, and social support are less accessible.

Young adult offenders seem to be especially affected by these laws. They were more likely than older offenders to be unable to live with family members (presumably parents), probably because their families resided in residential neighborhoods near schools. Young adults are usually less prepared developmentally and financially for independence, and indeed, this subgroup of offenders seemed to have particular trouble securing affordable housing. Younger sex offenders are at higher risk for sexual and general recidivism (Hanson & Bussiere,

1998; Hanson & Thornton, 1999). As well, lifestyle instability increases risk (Hanson & Harris, 1998; 2001; Hanson & Morton-Bourgon, 2004). Residence restrictions, therefore, might exacerbate risk for younger offenders.

Despite the widespread popularity of housing regulations, sex offenders indicate that such regulations offer little value in preventing recidivism. In Indiana, as in many states, sex offender residence restrictions are quite comprehensive in that they include rapists, though in some other states (such as Florida and Illinois) such regulations pertain only to sex offenders with minor victims. In Indiana, however, the only restricted areas are schools, as compared to Florida, Iowa, and Georgia, where restricted areas include parks, playgrounds, daycare centers, bus stops, or other places where children congregate. Because Indiana limits restricted zones to school property, it is likely that sex offenders living in states with a greater number of prohibited venues experience even greater disruption.

Why should we be concerned about the perceptions of sex offenders? After all, they have committed egregious crimes and caused great harm to victims and their families. Society has an interest in protecting the public from dangerous criminals. The implications of this research, however, suggest that it would behoove our society to consider the cost-benefit analysis of housing restrictions. In the absence of evidence that such policies are effective in preventing sexual assault, we should consider whether the collateral consequences of these laws on offenders create more problems than they solve.

An unintended consequence of sex offender zoning laws is that they can separate offenders from their dependent families and children, or force entire families to relocate, causing psychological and financial hardship. Fearing family disruption, children or their parents may be less likely to report sexual abuse by household members, preventing victims from receiving protection and therapeutic intervention. These concerns were highlighted by the Iowa County Attorneys Association, whose membership is composed of prosecutors throughout Iowa. Their report noted that residence restrictions are imposed on victims and families with whom offenders have been reunited, causing unnecessary disruption including loss of school continuity, spousal employment, and community connections (Iowa County Attorneys Association, 2006).

Importantly, prosecutors in Iowa have reported a reduction in plea agreements due to the lifelong housing restrictions for registered sex offenders. As a result, many sex offenders will not be criminally adjudicated, allowing them to remain at large in the community without supervision or treatment (Iowa County Attorneys Association, 2006). Interestingly, victims' advocates have also taken a stand against residence restriction laws, noting their potential to jeopardize public safety by creating transience and thereby making sex offenders more difficult to track and monitor (California Coalition Against Sexual Assault, 2006; National Alliance to End Sexual Violence, 2006).

Sex offender risk can fluctuate according to environmental and psychosocial conditions (Hanson & Harris, 1998; Hanson & Morton-Bourgon, 2004).

Not surprisingly, access to victims has been found to increase the likelihood of sexual reoffense (Hanson & Harris, 1998). On the other hand, those most likely to recidivate have been found to have poor social supports, negative social influences, poor self-management strategies, and negative moods (Hanson & Harris, 1998; 2001). Psychosocial stressors resulting from residence restrictions, such as transience and instability, are likely to challenge the coping skills of some sex offenders, potentially increasing their risk. Hanson and Harris (1998) found that many recidivists experienced an increase in anger and subjective distress just prior to offending.

Self-report studies have limitations, primarily that the findings cannot be corroborated with independent data. Sex offenders may have a vested interest in portraying residence restrictions as disruptive, since they cause inconvenience. The findings in this study were, however, comparable to results from a Florida survey (Levenson & Cotter, 2005b), suggesting that sex offenders in various regions of the nation have similar experiences and perceptions.

Because the majority of sex offenders are unlikely to recidivate (Bureau of Justice Statistics, 2003; Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2005; Harris & Hanson, 2004), overly broad housing restrictions may be unnecessary and lead to an inefficient distribution of limited resources. Risk factors for reoffense have been identified through research (Hanson & Bussiere, 1996; 1998; Hanson & Morton-Bourgon, 2004; Hanson & Morton-Bourgon, 2005), and instruments for assessing the likelihood of sexual reoffense have demonstrated predictive validity and reliability (Barbaree, Seto, Langton, & Peacock, 2001; Hanson & Thornton, 1999; Levenson, 2004). Such procedures are commonly accepted and utilized in civil commitment proceedings and community notification classification systems, and could be applied to residence restrictions as well. A more discriminating approach to housing laws could reduce the incidence of negative unintended consequences and increase the likelihood of successful community adjustment for many sex offenders.

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