



Illinois Voices for Reform

“Speaking Out for Those Without a Voice.”

Recommendations for Sex Offender Management and Legislation

This document contains summaries of a number of recent reports having to do with the effectiveness of sex offender management and many current laws. Links to the full reports for each of these summaries can be found on our website: www.ilvoices.com.

Does the Jacob Wetterling Resource Center Support Laws that Prohibit Sex Offenders from Living within a Certain Distance from Schools, Parks, or Daycare Centers? (*Statement from the Jacob Wetterling Resource Center Website*)

New York State Senate: *Standing Committee on Crime Victims, Crime, and Corrections (2009-2010 Report)*

Sam Caldwell: *Sex Offender Recidivism Analysis: A State-by-State Comparison of Recidivism Rates Between Sex Offenders and All Felony Offenders between 1983 - 2010 (November 2010)*

California Department of Corrections and Rehabilitation (*October 2010*)

Final Report for National Institute of Justice: *Evaluating the Effectiveness of Sex Offender Registration and Notification Policies for Reducing Sexual Violence against Women (September 2010)*

Center for Sex Offender Management: *Managing Sex Offenders: A Toolkit for Legislators (August 2010)*

Paul A. Zandbergen, Jill Levenson, and Timothy C. Hart: *Residential Proximity to Schools and Daycares: An Empirical Analysis of Sex Offense Recidivism (Criminal Justice and Behavior, May 2010)*

Broward County, Florida: *Final Report: Sexual Offender & Sexual Predator Residence Task Force (August 2009)*

Ron Wilson: *Mapping and Analysis for Public Safety Program and Data Resources, National Institute of Justice: Geographic Research Suggests Sex Offender Residency Laws May Not Work (May 2009)*

Geography & Public Safety: *A Quarterly Bulletin of Applied Geography for the Study of Crime & Public Safety (May 2009)*

Association for the Treatment of Sexual Abusers: *Sex Offender Residence Restrictions (Public Policy Briefs, 2008)*

The Pay-Off of Jobs and Programs and the Negative Influence of Residential Instability: *Enhancing Parole Decision-Making Through the Automation of Risk Assessment (Submitted to the Georgia Board of Pardons, April 2003)*

National Center on Institutions and Alternatives, Inc.: *Towards More Effective Sex Offense Legislation*

Human Rights Watch: *No Easy Answers*

Paul S. Appelbaum, M.D., Psychiatric Services: *Law & Psychiatry: Sex Offenders in the Community: Are Current Approaches Counterproductive?*

VERA Institute of Justice: *The Pursuit of Safety: Sex Offender Policy in the U.S.*

VERA Institute of Justice: *The Pursuit of Safety: Responses to Sex Offenders in the U.S.*

Federal Funds Provided by the U.S. Department of Justice: *Megan's Law Assessment*

Richard Tewksbury and Jill Levenson: *When Evidence is Ignored: Residential Restrictions for Sex Offenders*

Sex Offender Management Policy in the States: *Strengthening Policy & Practice*

Iowa County Attorneys Association: *Statement on Sex Offender Residency Restrictions in Iowa (December, 2006)*

Does the Jacob Wetterling Resource Center Support Laws that Prohibit Sex Offenders from Living within a Certain Distance from Schools, Parks, or Daycare Centers? (Statement from the Jacob Wetterling Resource Center Website)

At first glance these types of exclusionary zoning laws, known as “sex offender residency restrictions,” seem like a good idea that should help keep kids safe. Why would anyone want to allow sex offenders to be anywhere near children? **The problem is these laws may do more harm than good, if they work at all.** In spite of good intentions, these laws have unintended consequences that can actually make it harder to track sex offenders.

These laws make it illegal for a sex offender to live within some set distance, usually 1,000 to 3,000 feet, of places where children tend to be. Think about drawing a circle that big around every school, park, daycare center, playground, library, and public building. Those circles would probably cover most, if not all, of most cities and towns, and would leave very few places for sex offenders to live. The sex offenders we’re talking about can no longer be kept locked up and the system has to let them out, and so they have to live somewhere. These sex offenders have two basic choices; follow the rules and live in the few places allowed, or break the rules by trying to keep their sex offender status secret.

The offenders that follow the rules end up concentrated in the few small areas that are not restricted, or they move out beyond the city or town. With the limitations on where they can live come practical limitations on their opportunities to find work. **To successfully rejoin a safe and peaceful society, these offenders, like anyone else, have to be able to make a living.** A sex offender who cannot support himself is at risk of becoming homeless, and this can make it much harder for authorities to keep track of him.

When sex offenders break the rules by not reporting where they live, law enforcement loses the ability to keep track of them, and so instead of being sure that an area is clear, it becomes an unknown. Residency restrictions aren’t force fields and they can’t keep out the sex offenders that you didn’t even know were there in the first place.

But just because these laws can make it harder to keep track of ALL sex offenders, doesn’t it help to keep at least SOME of them away from schools, playgrounds, and the like? While it might feel like that would be the case, the statistics do not show it. The Minnesota Department of Corrections released a report in April, 2007 that tracked the recidivism (re-offense rates) of 224 sex offenders who had been released between 1999 and 2002, and were then sent back to jail for another sexual offense before 2006. Of these 224 offenders, only 79 (35%) involved direct contact between offender and victim, and of those, only in 28 cases was that contact initiated within one mile of the offender’s home (the offender’s home being where a residency restriction would apply). Of those 28 cases, only 16 involved juvenile victims.

But wouldn’t at least those 16 crimes have been prevented? The report found that “[n]ot one of the 224 sex offenses would likely have been deterred by a residency restrictions law.” The report found that none of the 16 cases involving a juvenile victim involved contact initiated near a school, park, or other prohibited area. The study concluded that “A statewide residency restrictions law would likely have, at best, only a marginal effect on sexual recidivism. Although it is possible that a residency restrictions law could avert a sex offender from recidivating sexually, the chances that it would have a deterrent effect are slim because the types of offenses it is designed to prevent are exceptionally rare and, in the case of Minnesota, virtually non-existent over the last 16 years. **Rather than lowering sexual recidivism, housing restrictions may work against this goal by fostering conditions that exacerbate sex offenders’ reintegration into society.**”

Because residency restrictions have been shown to be ineffective at preventing harm to children, and may indeed actually increase the risks to kids, the Jacob Wetterling Resource Center does not support residency restriction laws. Such laws can give a false sense of security while sapping resources that could produce better results used elsewhere.

New York State Senate: Standing Committee on Crime Victims, Crime, and Corrections (2009-2010 Report)

- After 14 years of sex offender registries and a growing list of restrictions in place in New York, **there is little evidence that any of these measures have contributed to a decrease in sexual assault.** There is, however, a growing body of research suggesting that some laws relating to registration, notification, and overly harsh laws restricting where sex offenders can be and how they can engage with their communities may exacerbate the risk that they will re-offend.
- New York’s Risk Assessment Guidelines were developed more than 15 years ago, at a time when experts in the state knew far less about how to measure the risk that someone once convicted of a sex crime would re-offend. It is our belief — one shared by many experts — that there are far too many people in New York who are misclassified in the higher levels of risk, and therefore unnecessarily diverting limited resources away from likely re-offenders.
- **Reject additional further residency restriction proposals** and instead **reinforce the ability of individual probation and parole officers to assess whether there are residences that are inappropriate for certain individuals** such that they would pose an unacceptable risk of re-offense.

- **Community notification has been found to have no demonstrable impact on sexual recidivism.** In fact, some studies suggest that community notification may aggravate stressors that lead to increased recidivism, and requiring broad community notification via the Internet may discourage some victims of sexual abuse from reporting incidents to the authorities.
- Each year, New York adds another restriction on those already convicted of sex offenses as a means to prevent sexual violence against children. However, **the overwhelming majority (around 95%) of sex offenses, including rape and child molestation, are committed by those who have never before been convicted of an offense.** This means that New York concentrates all of its legislative efforts on preventing only 5% of all sex crimes against children, and completely ignores the threat posed by first-time offenders.

Sam Caldwell: Sex Offender Recidivism Analysis: A State-by-State Comparison of Recidivism Rates Between Sex Offenders and All Felony Offenders between 1983 - 2010 (November 2010)

The following is a collection of recidivism studies comparing the failure rate of all felony offenders to the failure rate of sex offenders who have committed a new sex crime. All of the studies presented are carefully selected state-sponsored studies, authorized by either the federal Government (US Department of Justice) or the several state legislatures and their respective state agencies. Every effort has been made to eliminate purely academic or politically motivated research.

The findings in this analysis stand in contrast to conventional wisdom perpetuated during the 1990s. **It is a false assumption that sex offender recidivism rates are higher than non-sex offenders.** It is also a myth that the majority of sex crimes are committed by convicted or registered sex offenders. **Further it is a myth that the many hours of legislative testimony on this subject is backed by research,** as the majority of all research on this subject shows that (a) sex offender and overall recidivism varies from state to state as a result of policies enacted in a given state, and (b) **sex offender recidivism is surprisingly lower than previously reported** by political figures or the media. In fact, as this analysis concludes, the average recidivism rate reported by the studies collected herein is approximately 9%, compared to an average 42% recidivism for all felony offenders.

Refer to <http://recidivism.samcaldwell.net/#Summary> for the complete report and data tables.

California Department of Corrections and Rehabilitation (October 2010)

The Sex Offender Supervision and GPS Monitoring Task Force was a multi-disciplinary collaboration composed of CDCR staff including representatives from adult and juvenile parole and the Board of Parole Hearings, law enforcement representatives, victim advocates, the Office of the Inspector General, the National Institute of Justice, treatment providers, probation representatives, and industry experts. The Task Force said its nine interrelated recommendations should be viewed as a package because they would be most effective if implemented together.

- **Containment Model:** A comprehensive public protection strategy for the control of sex offender parolees requires the systematic implementation of a fully operational Containment Model. This model includes supervision, treatment, polygraphy, and victim advocacy.

Comment: The Containment Model is an evidence-based strategy that has shown to be effective in promoting community safety and reducing sex offender recidivism. On-going collaboration, consistent public policies, quality control, proven containment tools, and victim rights are the principles of the model.

- **Risk Assessment:** Dynamic and violence risk assessments must be included as an integral part of parolee supervision and should be conducted on all paroled sex offenders. Current reliance on the Static-99 alone is insufficient to identify the risk of re-offense.

Comment: CDCR presently uses the Static-99 to assist in the determination of the supervision level of male sex offenders. Based on the risk score, sex offenders will be supervised as either high risk or non-high risk.

- **Tiered Supervision:** Implement tiered parole supervision, according to the offenders risk to re-offend and danger to the community.

Comment: While all sex offenders pose some risk to re-offend, those parolees presenting the greatest risk of re-offense should be the most closely supervised to ensure public safety.

- **Offender Tracking:** Use the capabilities of the offender tracking system to comprehensively review location data on all sex offenders. Discontinue “passive” GPS monitoring. Re-engage local law enforcement to work in partnerships with CDCR to use location data to solve crimes.

Comment: GPS is not a panacea for criminal behavior. It is one of many supervision tools that parole agents have available within the Containment Model.

- **Monitoring Center:** Implement a CDCR GPS Monitoring Center to increase agent-to-parolee contact and enhance public safety.

Comment: Alerts are an important safety function of GPS technology. When GPS alerts are triggered, they are due to the device detecting a potential problem. Alerts must be responded to in an efficient and effective manner.

- **Specialized Parole Agents:** The effective supervision of sex offender parolees requires experienced, specially trained Parole Agents with caseloads that permit intensive parolee supervision.

Comment: The characteristics and warning signs of sexual re-offense are unique when compared to other types of offenders. It is critical that Parole Agents and their supervisors be trained and mentored in the latest techniques to prevent future victimization.

- **Caseload Size:** Implement an agent-to-sex offender ratio no greater than 20:1, to allow for more effective sex offender parolee supervision. This ratio should be re-evaluated within 24 months, and periodically thereafter.

Comment: Public expectations and public safety compel Parole Agents to spend substantial time in the direct supervision of sex offenders. In recent years, the duties and responsibilities of Parole Agents with these caseloads have expanded dramatically.

- **Supervision Accountability:** Develop and implement improved accountability measures.

Comment: Public confidence in CDCR's ability to effectively supervise sex offender parolees depends upon strong internal accountability measures. CDCR's commitment to public safety requires that it continually assess the quantity of supervision contacts, as well as the quality and effectiveness of overall sex offender supervision.

- **Targeted Residence Restrictions:** A comprehensive public policy protection strategy for the control of sex offender parolees requires that Parole Agents have the authority to review and approve where parolees reside. Blanket residence restrictions have not improved public safety and have compromised the effective monitoring and supervision of sex offender parolees. Therefore, residence restrictions as set forth in Penal Code Section 3003.5(b) should be repealed in favor of targeted residence restrictions.

Comment: **There is no evidence that residence restrictions for sex offenders make the community any safer.** Since the passage of Proposition 83, residence restrictions have expanded significantly with an unintended consequence. Transient sex offender parolees have increased by approximately 24 times. Presently, more than 1/3 of all sex offenders on parole have become transient. Before the passage of Proposition 83, residence restrictions were already in place. Penal Code Section 3003(g) prohibited high-risk sex offenders with child victims from residing within 1/2 mile from schools. Additionally, Parole Agents used discretion to prevent parolees from residing in any housing location that would increase their risk of re-offense. Repealing the blanket residence restrictions imposed by Proposition 83 will provide adequate housing options for sex offenders while continuing to provide public safety.

Final Report for National Institute of Justice: *Evaluating the Effectiveness of Sex Offender Registration and Notification Policies for Reducing Sexual Violence against Women (September 2010)*

"This system is failing. No one, not victims, offenders, or the rest of us, is served well by laws so poorly designated that even prosecutors look for ways around them. It is easy to argue that sex offenders deserve what they get, including lifetime registration and public notification. But when such policies fail to reduce recidivism and at the same time cause the kinds of unintended effects that we have identified, it is time to look for new ways to prevent sexual violence." (Elizabeth Letourneau, Ph.D, Medical University of South Carolina)

Recommendation 1:

Base SORN Requirements on Empirically Validated Actuarial Risk Assessment

- **Community protection policies are likely to be most effective when used in a discriminating and targeted manner rather than when broadly and equally applied to all sex offenders.** Offense-based policies such as South Carolina's target nearly all sex criminals with the same intervention, implying that all sex offenders pose a severe and equal threat to communities. A recent study concluded that the AWA offense-based tiers did a poor job of predicting recidivism and had less predictive accuracy than empirically derived risk factors (*Sandler & Freeman, 2009*). Offense-based SORN policies are not associated with a reduction in recidivism and are associated with changes in charging and dispositional outcomes. Offense-based registration and notification schemes are likely to inflate risk in many cases, but simultaneously underestimate the risk of offenders who succeeded in pleading guilty to non-sexual offenses. The vast resources needed to track sex offenders may limit funding available for victim services. Furthermore, although sex offenders elicit little sympathy, overly inclusive registries present barriers to successful reintegration of lower-risk offenders who are unlikely to recidivate but who nevertheless face the same stigma and collateral consequences of registration as high-risk offenders. With these facts in mind, registration and notification requirements should be based on empirically validated actuarial risk assessment.

Recommendation 2:

Limit Online Notification to High-Risk Offenders

- There is strong citizen support for public notification policies (*Levenson, Brannon, Fortney & Baker, 2007*). However, online notification is now associated with significant negative effects. First, Prescott and Rockoff (2008) determined that as the extent of offenders subjected to online notification increased, so does sex offender recidivism. Second, our research has indicated that online notification was associated with even increased likelihood of plea bargains (relative to original registration and notification practices) and was uniquely associated with reduced likelihood of final guilty determinations for defendants charged with sex crimes. Moreover, online notification was associated neither with general deterrence of sex crimes nor with reduced sexual recidivism rates.

Registered sex offenders face reintegration obstacles associated with a higher likelihood of recidivism (Levenson & Cotter, 2005a; Levenson et al., 2007). Moreover, the rapidly growing number of registered sex offenders listed on online websites may dilute the public's ability to identify truly dangerous individuals. With these facts in mind, **we recommend that online notification practices be limited to only those registered sex offenders who have been identified as high risk for recidivism based on actuarial recidivism risk assessment.** Aligning online notification requirements with individual recidivism risk level might reduce the effects of SORN on charging and dispositional decisions by restoring some discretion to decision makers and by increasing the likelihood judicial decision makers will view these penalties as proportionate to the conviction offense. Limiting broad notification to the highest-risk offenders will remove barriers to community reintegration for lower-risk offenders without reducing community safety and narrow the focus of community attention to those offenders who pose the greatest threat of recidivism.

Recommendation 3:

Limit the Duration of SORN Requirements

- South Carolina requires life-long registration for all registrants. At minimum, the AWA requires states to assign durations of 15 years (Tier 1), 25 years (Tier 2), or life (Tier 3) depending upon the specific conviction offense. Tier 1 offenders can have SORN requirements commuted after 10 years of offense-free behavior and Tier 3 offenders can have SORN requirements commuted after 25 years of offense-free behavior. There is no provision to alter SORN requirements for Tier 2 offenders. In recognition of the fact that few low-risk offenders will sexually re-offend and that even high-risk offenders are less likely to recidivate as they age and as they accumulate time in the community offense-free, **registered sex offenders should be provided an opportunity to be released from the requirements after a reasonable period of law-abiding behavior in the community.** While individuals will have good-faith differences of opinion as to what defines a “reasonable period” of time, periods that extend across decades are excessive for most registrants. We have found that each offense-free year spent in the community predicts future offense-free years and most sex crime recidivism events occur within five years of community release. Based on this information a “reasonable period” might suggest commuting registration and notification requirements after a period of 5 to 10 years of offense-free behavior in the community.

Recommendation 4:

Redistribute Resources to Collaborative and Evidence-Based Risk Management and Treatment

- If policies can be revised to focus resources on high-risk offenders, one side effect will be the availability of resources previously devoted to maintaining and monitoring the registration and notification requirements of low-risk offenders. These resources should be devoted to collaborative risk management approaches that evaluate offender risks and needs, reinforce offender strengths, and facilitate support systems (English, Pullen, & Jones, 1996, 1998; Ward & Brown, 2004). By working together, clinicians, parole officers, and child protection workers can apply restrictions, safety plans, and interventions relevant to a particular offender's patterns and risk factors.

Evidence-based interventions that are associated with reduced sexual recidivism (see Hanson et al., 2002) should be made available to sex offenders. Additionally, public education and awareness campaigns should highlight the likelihood that sexual offense victims are much more likely to be abused by someone they know and trust than by a stranger lurking in the dark. Parents should be made aware of the signs and symptoms of child sexual abuse, and the common types of grooming patterns used by adult perpetrators who gain access to victims via their positions of trust or authority. Funding for these activities might be freed up by making reasonable reductions to the duration and number of offenders subjected to registration and notification requirements.

Center for Sex Offender Management: *Managing Sex Offenders: A Toolkit for Legislators (August 2010)*

- **There is no “typical” sex offender.** The “sex offender” label implies that all individuals who commit sex offenses are alike, but research shows that they vary in many ways. Variations include basic demographics, the nature and extent of their sexual behavior problems, their development and functioning, intervention needs, and their risk to re-offend. These and other differences underscore the need to resist the tendency to craft “one-size-fits-all” policies and practices.
- **The pathways leading to sex offending are complex.** No single factor explains why individuals engage in sexually abusive behavior. Current theories and research indicate that it is a combination of interacting elements, such as individual characteristics, developmental experiences, situational factors, biological traits, and sociocultural influences. Appreciating these complexities can better guide sex offender management strategies and broader sexual abuse prevention efforts.
- **Being sexually abused does not cause sex offending.** A common misperception is that all persons who commit sex offenses have been sexually abused, and that victimization must, therefore, lead to offending. Studies show otherwise. Sexually abusive experiences can affect individuals in various ways, but in and of itself, sexual abuse does not “cause” individuals to become sex offenders. Most people who have been sexually abused do not sexually abuse others.

- **Not all sexual abusers of children are pedophiles.** The “pedophile” label is commonly misused to describe anyone who has sexually abused a child. In actuality, it refers to a much narrower group of individuals formally diagnosed with pedophilia — a disorder defined by the extended presence of intense, recurring sexual urges, fantasies, or behaviors involving sexual activity with prepubescent children. Many people whose sex crimes involve children do not meet the established criteria for pedophilia. Because deviant arousal and preferences are linked to a higher risk of re-offending, misuse of the term “pedophile” can send an inaccurate message about the risk posed by a given individual.
- **Juveniles who commit sex offenses differ from adult sex offenders.** Research on juvenile sex offenders shows that they have very low recidivism rates, are highly amenable to interventions, and are more similar to other justice-involved youth than to adult sex offenders. These findings — coupled with the fact that adolescence is a period of developmental fluidity—suggest that responses to juvenile sex offenders should be rooted in the tenets that drive the juvenile justice system, rather than mirroring strategies for adult sex offenders.
- **Sexual recidivism rates for adult and juvenile sex offenders are lower than often believed.** A common myth is that all or most sex offenders will re-offend, but research indicates this is not the case. Recidivism rates vary based on a number of factors, reflecting the diversity of the population. Follow-up studies of adult sex offenders often show that, as a group, less than 25% are rearrested or reconvicted for new sex crimes. Observed sexual recidivism rates for juvenile sex offenders as a group are much lower, often ranging from 5-15%. It should be noted that these figures are underestimates, because sex crimes — like other crimes against persons — are under reported.
- **A comprehensive, collaborative approach is needed to support successful outcomes for victims, offenders, and communities.** Working to ensure community safety calls for involvement from a wide range of disciplines and agencies, including — but not limited to — law enforcement, victim advocacy, the courts, evaluation and treatment, corrections, and community supervision. Ongoing collaboration among these key stakeholders at the policy and practice levels is important for establishing an integrated, seamless, and effective sex offender management system.
- **The combination of supervision and treatment is more effective than restrictions, surveillance, and sanctions alone.** Traditional supervision activities have a key role in supporting public safety efforts. However, studies show that better results are achieved through balanced approaches in which treatment interventions are also implemented. Because specialized sex offender treatment — both for adults and juveniles — lowers recidivism, it is an essential complement to supervision.
- **Sex offender management strategies should be tailored to address the specific risk level and intervention needs of a given individual.** Research shows that staff time and agency resources should be prioritized for individuals assessed to be at higher risk for recidivism and to have greater intervention needs, rather than responding in a “one-size-fits-all” manner. Specialized sex offender-specific risk assessment tools for adults and juveniles can assist professionals system wide in making more informed decisions that will maximize resources and outcomes.
- **More research on sex offender-specific laws is needed to ensure that these strategies are in the best interest of public safety.** Many states have passed laws to implement mandatory minimum sentences, registration, community notification, residence restrictions, civil commitment, and the use of global positioning systems. Research on these laws is limited and the findings are mixed. Some studies reveal the potential for unintended consequences that may increase — rather than decrease — public safety. More research is needed.
- **Primary prevention is an essential part of the solution.** Sex offender management strategies contribute to public safety efforts by addressing people who have already engaged in sexually abusive behavior. These approaches should occur in tandem with primary prevention strategies, which are designed to stop sexual abuse from occurring in the first place. Sexual abuse can and will be prevented when the range of conditions that support and contribute to it are addressed directly — at individual, family, community, and broad societal levels.

Paul A. Zandbergen, Jill Levenson, and Timothy C. Hart: *Residential Proximity to Schools and Daycares: An Empirical Analysis of Sex Offense Recidivism (Criminal Justice and Behavior, May 2010)*

Residential restrictions for sex offenders have become increasingly popular, despite the lack of empirical data suggesting that offenders’ proximity to schools or daycares contributes to recidivism. Using a matched sample of recidivists and nonrecidivists from Florida ($n = 330$) for the period from 2004 through 2006, the authors investigated whether sex offenders who lived closer to schools or daycares were more likely to re-offend sexually against children than those who lived farther away. No significant differences were found between the distances that recidivists and nonrecidivists lived from schools and daycares. There was no significant relationship between re-offending and proximity to schools or daycares. **The results indicate that proximity to schools and daycares, with other risk factors being comparable, does not appear to contribute to sexual recidivism. These data do not support the widespread enactment of residential restrictions for sexual offenders.**

Broward County, Florida: Final Report: Sexual Offender & Sexual Predator Residence Task Force (August 2009)

Purpose: to review, research, and make recommendations to the board of county commissioners regarding the issues involved with the residence restrictions of sexual offenders and predators convicted of certain sex offenses.

Excerpts from the final report:

- In an effort to protect children from predatory sexual abuse, city commissioners throughout Broward County have passed municipal ordinances prohibiting sex offenders from residing within close proximity to places where children commonly congregate. **Despite their best intentions, these laws have resulted in an array of unintended consequences.**
- We reviewed available research about the effectiveness of residence restrictions and **found no empirical evidence to indicate that these laws achieve their intended goals** of preventing abuse, protecting children, or reducing re-offending.
- In addition to the lack of research supporting the effectiveness of these laws in preventing abuse, there is mounting evidence that these laws diminish housing availability and increase transience, homelessness and instability for offenders.
- Residence restrictions and their resulting transience create burdens for law enforcement officials as well. The BSO representative noted that these laws require officers to identify subjects affected by the ordinance, monitor their leases, identify violators and complete investigative packets for prosecution. The DOC representative reported that probation officers spend time assisting offenders with housing problems and often check dozens of addresses for compliance for a single offender.
- We found that many victim advocates remain unconvinced that residential restrictions achieve improved protection from sexual abuse. The National Alliance to End Sexual Violence (NAESV), the umbrella organization of rape crisis centers throughout the United States, issued a public position opposing residence restrictions, stating that **“sex offenders who continually move or become homeless as a result of residency restrictions are more difficult to supervise and monitor, thereby increasing the risk of re-offense.”**
- We recommend that in any ordinance that is passed, an exception be made for offenders who established their residence prior to the passage of the ordinance (a “grandfather” clause). Such clauses are commonly found in other municipal ordinances. Because housing throughout the county is so limited, such a clause will reduce the probability of homelessness and transience for RSOs who are already living in unincorporated areas. The proposed end-of-lease grandfather clause simply delays housing instability rather than prevents it. Grandfathering homeowners but not lease holders represents differential treatment based on financial resources. **Since there is no reason to believe that current lease holders present a greater threat to the safety of children than homeowners, this differential treatment seems not only unfair, but illogical.**
- We recommend that an exception be made (referred to as a Romeo & Juliet clause in Florida statutes) for young adults with a single victim and who, at the time of the offense, were under the age of 22 and committed a “statutory” offense with a teenage victim no more than 4 years younger than the offender. While we recognize that such behavior is unlawful, and that minors cannot legally consent to sexual activity with an adult, we also recognize that such offenders are not typically diagnosed as pedophiles and probably do not pose a significant danger to commit future sexually violent crimes.
- We recommend that commissioners strongly urge our elected state senators and representatives to enact a statewide solution to sex offender management. ...We recommend that the county commissioners adopt a resolution asking the legislature to create a statewide residence solution, which should include a Romeo & Juliet clause as well as a grandfather clause. The recommendation to the legislature should also urge the adoption of a uniform statewide child safety zone provision preventing RSOs from loitering within 300-500 feet of a school, park, daycare, designated school bus stop, or other place where children regularly congregate. **We also recommend that the legislature review the crimes that require registration and that Florida create a more refined, risk-based classification and tier system of offenders that might, in some circumstances, lead to individuals eventually being deleted from the registry but only upon meeting criteria established by statute and requiring judicial review.**

Ron Wilson: Mapping and Analysis for Public Safety Program and Data Resources National Institute of Justice: Geographic Research Suggests Sex Offender Residency Laws May Not Work (May 2009)

States across the country have been adopting residency restriction laws to keep sex offenders away from children, but recent geographic research from a special journal edition of *Criminal Justice Policy Review* suggests **these laws may do more harm than good**. Although restrictions keep sex offenders away from schools, playgrounds, and daycare facilities, theoretically they make little sense because they limit residence locations so severely that they force offenders to move to places where they cannot get jobs, find acceptable places to live, reach treatment programs, or gain the basic necessities they need for a healthy re-entry.

- **Restrictions are Not Supported by Crime Theory.** Theorists and researchers have a number of insights into why sex offenses occur, and why residency restrictions make little sense. **Research indicates no relationship between sex offending and residential proximity to locations where children congregate.** Offenders pick their residence by what they can afford, and generally find victims through a child’s family member or acquaintance, or victimize children in their own family.

Even if sex offenders live near schools or daycare facilities, routine activity theory posits that a crime occurs only when a motivated offender finds a target who is not cared for by a capable guardian. Schools, parks, and daycare centers generally have numerous capable guardians, so offenses are unlikely to occur in those settings.

Additionally, when sex offenders are restricted from these areas, they are also forced to live far from jobs, treatment services, and basic necessities, which make the re-entry process more difficult. Research shows that many find themselves living in rural areas or neighborhoods that have high levels of social disorganization — meaning greater economic disadvantage, lower social cohesion, and greater residential mobility. These neighborhoods often cannot afford the social services that offenders need. Without treatment, offenders are more likely to commit new crimes.

Also, offenders can become frustrated and angry when they believe that their punishment is excessive or unfair. Carrie Mulford, Ronald Wilson, and Angela Moore Parmley conjecture that strain theory may explain this idea — if offenders feel they are being punished more than a crime warrants, it may cause undue stress and lead to re-offending. Offenders' stress levels increase when forced to live in disadvantaged communities, denied opportunities to engage in everyday activities, and cannot access treatment or gain employment. Consequently, they may recidivate.

- **Geographic Analysis Shows how Restrictions can Hamper Offenders' Recovery.** The use of geographic information systems (GIS) and spatial analysis has helped researchers provide visual and statistical information about the problems with residency restrictions. These geographic analysis tools allow geographers to create accurate maps of human behavior and analyze databases of location information with statistical software. Recent analyses of residency restrictions have shown their potential effects on offenders and communities and may help inform better policy decisions.

In 2006, Paul Zandbergen and Timothy Hart, of the Universities of New Mexico and Nevada, used GIS to show that expanding a buffer to 2,500 feet would leave only 29% of all properties available for sex offender residence in Orange County, Florida. If bus stops were also included in the buffer, less than 5% of properties would be available. A related study of potential restrictions in New Jersey suggested that residency restrictions of 2,500 feet would leave only 54% of rural territory, 37% of suburban territory, and 7% of urban territory available for offender residence. If enacted, almost all offenders would need to relocate.

But more important than the effect of these restrictions on current relocation is the distance that offenders would be forced to live from social service programs. Sex offenders recidivate at lower rates when they receive treatment. **Geographic studies suggest that if residency restrictions remain in place, the effects may be costly for society.** A South Carolina study showed that offenders with 2,500-foot buffer zones would have to live farther from treatment centers. This means they may not receive necessary treatment, may have more trouble with re-entry, may recidivate, and may cause strife in their communities.

The papers in this special journal edition demonstrate just how vital studying the effects of residency restrictions can be when determining whether new laws and policies are a good idea. Police Chief Tom Casady of Lincoln, Nebraska, says that policymakers will not repeal or defeat residency restrictions unless the message is recast by focusing on how these laws make neighborhoods less safe. Future geographic studies will give these dissenting voices the statistics they need to show the long-term consequences of these restrictions and the harm they may cause communities.

This news article is based on the following editorial in *Criminal Justice Policy Review*: Mulford, C.F., R.E. Wilson, and A.M. Parmley. "The Geographical Aspects of Sex Offender Residency Restrictions: An Introduction to a Special Edition of *Criminal Justice Policy Review*." *Criminal Justice Policy Review* 20(1)(2009): 3–12.

Geography & Public Safety: A Quarterly Bulletin of Applied Geography for the Study of Crime & Public Safety (May 2009)

- **California Cuts Back on Funding for Sex Offender Housing.** California stopped paying to house thousands of paroled sex offenders in mid-February 2009, according to orders from corrections officials. California paid more than \$20 million a month to house sex offenders in lieu of Proposition 83, a law that bans them from living within 2,000 feet of playgrounds or parks where children congregate. Some parolees have depended on these funds for more than two years. The new corrections order gives them a 60-day transition period before they are required to be self-sufficient.

Critics of Proposition 83 suggest that the money would be better spent by removing the 2,000-foot residency restriction and using the funds to help parolees make the transition back into society. Funds used to pay for housing for sex offenders might be better spent on job training, treatment programs, and personal aid.

- **Should Sex Offenders Have Rights?** Proposed sex offender restriction laws in Illinois to monitor offenders by using GPS are meeting with some opposition. **Although some restrictions make sense, such as banning offenders from jobs where they have direct contact with children, other restrictions, like GPS monitoring, can be expensive and do not statistically reduce the number of offenses.**

New suggested restrictions include banning offenders from Internet dating sites, nursing homes, and parts of public libraries. Editors of the Illinois State University's *Daily Vidette* suggest that these restrictions may be unconstitutional because they take away offenders' civil liberties. They argue that **sex crimes vary widely and should be approached on a case-by-case basis rather than through a statewide law or mandate.**

- **Manitowoc, Wisconsin, Defeats Residency Restriction Proposal.** The Manitowoc, Wisconsin, city council failed to pass a recent proposal to keep sex offenders from living within 2,000 feet of certain areas where children commonly congregate. **The ordinance failed to pass because council members said that they had no proof these measures would actually keep children safer.**

Council alderman Rick Sieracki told the local newspaper, the *Herald Times*, that he thought passing the ordinance would have done more harm than good. “I can’t believe anyone would vote for this. All the groups have said the same thing,” he said, “If we’re creating safe zones then we’re creating danger zones. Our energy would be better spent on promoting safe behaviors.”

Sieracki was not alone in his opinion. Only one member of the committee voted in favor of the new residency restrictions. The committee’s chairman said the council would prefer to focus on notifying community members about a sex offender’s presence in their neighborhood and educating communities about safety hazards.

Association for the Treatment of Sexual Abusers: *Sex Offender Residence Restrictions (Public Policy Briefs, 2008)*

- **Current Research Highlights.** Residence restrictions attempt to prevent predatory sexual recidivism, despite the fact that approximately 93% of all sex crimes are perpetrated by offenders known to the victim prior to the offense (*Bureau of Justice Statistics, 2002*). The majority of sexually abused children are victimized by someone well known to them and approximately 60% of offenses take place in the victim’s home or the home of someone they know (*Bureau of Justice Statistics, 1997*). Currently, only one study (*Minnesota Department of Corrections, 2007*) has investigated the potential effectiveness of sexual offender residence restrictions to reduce recidivism. The authors examined the offense patterns of 224 sexual offenders released between 1990 and 2005. **The results demonstrated that residence restrictions would not have prevented any re-offenses.** Of the 224 offenders, only 27 (12%) established contact with their victim(s) within one mile of the offenders’ home and not one established contact near a school, park, or playground. The Colorado Department of Public Safety (2004) used mapping software to examine the residential proximity to school and daycare centers of 13 sexual offenders who sexually recidivated in a study of 130 sexual offenders over a 15-month follow-up period (15 offenses by 13 offenders). The results demonstrated that recidivists were randomly located and were not significantly more likely than non-recidivists to live within 1,000 feet of a school or daycare.

- **What Promotes Effective Sex Offender Management?** Current research regarding treatment effectiveness suggests (in brief):

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

- **Do Residence Restrictions Help or Hinder Treatment?** The unintended consequences of residence restrictions include transience, homelessness, and instability. Offenders are often pushed to areas that are more rural (the higher the population density the more likely neighborhoods include schools, parks, etc.). These conditions can lead to:

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

These factors can hinder effective treatment and may interfere with the overall goal of reducing recidivism and re-victimization. In fact, **unemployment, unstable housing, and lack of support are associated with increased criminal recidivism. Thus, residence restrictions, aimed at improving community safety, may inadvertently create an environment in which offenders are more at risk to re-offend.**

- **Alternatives.** Rather than applying a blanket policy that treats all sexual offenders the same, regardless of offense behavior or victimization patterns, a subset of sex offenders, considered high-risk to re-offend, require more intensive supervision and management strategies. Risk management should be commensurate with the level and type of risk presented by a given sexual offender. Strategies to limit victim access, including housing restrictions, can be applied by a supervising officer and treatment provider on an individual basis. Risk assessment and evidence-based application of residence restrictions, close monitoring, and social support systems incorporating community engagement and responsibility are viable alternatives.
- **Conclusions.** Studies suggest that sexual recidivism is more likely to be result from a pre-existing relationship between the sexual offender and the victim rather than residential proximity to schools. **There is no research to support the effectiveness of residence restrictions in reducing sex offender recidivism. It is recommended, therefore, that states (and local jurisdictions) seek out other, more effective methods to limit the risk to the community from convicted sexual offenders.**

The Pay-Off of Jobs and Programs and the Negative Influence of Residential Instability: *Enhancing Parole Decision-Making Through the Automation of Risk Assessment (Submitted to the Georgia Board of Pardons, April 2003)*

The Parole Board's current emphasis on employment and treatment programs is soundly justified. The analysis of Georgia parolees indicates that the pay-off for each day of employment during parole is a 1% reduction in the likelihood of arrest. That translates into a 30% decrease in the likelihood of arrest for only one month (30 days) of employment. Similarly, each month of attending programs during parole results in a reduction of 2% in the likelihood of arrest. That translates into a 24% decrease in the likelihood of arrest for one year (12 months) of programming. Finally, there is a 25% increase in the likelihood of arrest each time a parolee changes address. That translates into doubling the odds of arrest by simply moving three times while on parole (having four residences).

National Center on Institutions and Alternatives, Inc.: *Towards More Effective Sex Offense Legislation*

Myth #1: Sex Offenders Will Always Keep Offending

Recidivism is defined as repeat criminal behavior among offenders. Of all crimes, sex offenders are widely believed to have the highest level of recidivism. However, treatment professionals and criminologists have known for some time that only a small minority of sex offenders — once caught — will recommit another sex crime. Although some pedophiles, before they are caught, have many victims, most have a single victim in or about their own family. We all hope for the day when we can see fewer sex offenses and particularly fewer juvenile victims of such crimes. But so long as what we think we know about these types of crimes is based on myths and fear rather than facts, that day will never come. There are several myths that are widely believed that need to be debunked. **Contrary to widespread public belief, once-caught sex offenders actually have a very low recidivism rate. With or without treatment, more than 87% of the once caught do not re-offend with another sex crime.** With treatment, the likelihood of recidivating is even lower.

In contrast, according to the 2004 U.S. Department of Justice Bureau of Justice Statistics study, 69% of all criminals go back to prison for other types of crime and do so within five years. Over a longer period of time, other FBI statistics show that 74% of all other types of offenders are back in prison. When that figure is compared to only 2% to 13%, the recidivism rate for sex offenders in reality is only a tiny fraction of what it is for other types of crime. This is not what the public believes and certainly not what they have heard. As the trackings of tens of thousands clearly attest, most people learn from their mistakes, and sex offenders are no exception. Just getting caught changes the behavior of most individuals.

Myth #2: Treatment Doesn't Make Any Difference

The public has been told for years that treatment doesn't work, that "for sex offenders nothing works," but here too a myriad of major studies indicate otherwise:

- The Campbell Collaboration analysis of 22,000 individuals found that treatment reduced recidivism by 37%.
- Canada's Karl Hanson's 2000 analysis found a reduction of 41%.
- Oshkosh Correctional's meta-analysis from 79 separate studies of over 11,000 sex offenders found that people who participated in treatment programs had a 59% rearrest reduction.
- According to Alexander's 1998 study, "Men arrested for having sex with children are usually overcome with shame and remorse and they want to stop. Since 1943 those who were treated in jails, hospitals and outpatient clinics found their way back to prison at a rate that was approximately one-third of those who had no treatment."
- By 2005, most all preventative programs were showing rearrest rates being cut reduced by greater than half. With some of the latest deep aversion and victim empathy regimens, reductions were reported as high as 91%.
- There is now a credible concurrence that "treatment works" and that new programs are becoming increasingly more successful.

Myth #3: Stranger Danger

- According to the most recent major study by the Bureau of Justice Statistics (2004), where 9,700 sex offenders were tracked, only 7% of such crimes against children were perpetrated by strangers.
- The majority (93%) of molestations of children are not committed by strangers but by people who are known and trusted within or about the family.
- Throughout the last decade, other arrest studies have found similar results. Most sex offenses are committed by a family member or guardian/family member (often some parental substitute).
- It may be a trusted uncle, father, stepfather, mother, family friend, a teacher, coach, or a priest; but in almost all cases the culprit is not a stranger.

- If we keep in mind the above, that 93% of the culprits are family, if we also keep in mind that 87% of sex offenders who are caught do not re-offend, **any registries or residency restrictions or trackings of these individuals will be very close to a waste of time.** Such will not make our communities any safer, but in fact there's evidence such measures will do the opposite.

Human Rights Watch: No Easy Answers

“Our research reveals that **sex offender registration, community notification, and residency restriction laws are ill-considered, poorly crafted, and may cause more harm than good:**

- The registration laws are overbroad in scope and overlong in duration, requiring people to register who pose no safety risk;
- Under community notification laws, anyone anywhere can access online sex offender registries for purposes that may have nothing to do with public safety. Harassment of and violence against registrants have been the predictable result;
- In many cases, residency restrictions have the effect of banishing registrants from entire urban areas and forcing them to live far from their homes and families.”

Paul S. Appelbaum, M.D., Psychiatric Services: Law & Psychiatry: Sex Offenders in the Community: Are Current Approaches Counterproductive?

Most identified sex offenders reside in the community, having completed their prison terms or having been placed directly on probation without incarceration. An even larger body of legislation focuses on this group. Registration requirements and community notification statutes exist in every state, and a growing number of jurisdictions are enacting restrictions on where sex offenders can live and work. Although each of these policy approaches could be useful when targeted appropriately, they are now frequently designed in ways that are wasteful of resources at best and are often frankly counterproductive.

Information disseminated typically includes an offender's name, address, criminal offense, and photograph. Given the consternation aroused by sex offenders, it can hardly be unexpected that the typical consequences of such disclosure are loss of housing, jobs, and friends. Yet these are just the kind of supports that can anchor a released offender in a community and reduce recidivism. Numerous reports have surfaced of offenders being threatened, harassed, and in rare cases killed after community notification. Suicide also has been reported. Perhaps most disturbing is the large number of states that fail to limit disclosures to predatory offenders, instead extending the process to everyone convicted of a sexually related offense. Swept up in this net are people who have committed non-contact crimes, such as exhibitionism or peeping, those whose only offense occurred as children, and persons who engaged in consensual sex with a somewhat younger girlfriend or boyfriend and were convicted of statutory rape.

Public notification requirements are flawed in another way as well. The assumptions underlying the statutes are that sex offenders are particularly likely to re-offend, which is why they are singled out from all other categories of criminals for registration and notification, and that informing the community will better enable potential victims to take precautions. According to the best available data, however, **sex offenders are less likely to commit a sex crime in the future than almost all other categories of criminals are to recidivate** — though the problem of accounting for unreported offenses always must be taken into account. A large meta-analysis showed sexual offense recidivism rates of 13.4%, ranging from 12.7% for child molesters to 18.8% for rapists, over an average follow-up period of four to five years. A major federal follow-up study of sex offenders in 15 states who were released in 1994 found reconviction rates for sexual offenses of 5.3% over the subsequent three years, with 40% of arrests coming in the first year. Moreover, **most sex offenses are committed by family members and friends well known to victims,** not by strangers about whom warnings might be helpful.

VERA Institute of Justice: The Pursuit of Safety: Sex Offender Policy in the U.S.

Local, state, and federal policymakers have paid ever more attention to sex offenses over the past 20 years. In the wake of several high-profile crimes by strangers against children in particular, they have crafted a growing body of legislation intended to protect the public from sexual predators. This legislation has expanded the scope of crimes that qualify as sex offenses, over the past decade more than doubled the number of people required to register as sex offenders, increased sentences for people found guilty of sex offenses, and established strategies designed to manage convicted sex offenders after their incarceration. Examples of these latter strategies include registration, community notification requirements, residency restrictions, electronic monitoring, and civil commitment.

The proliferation of these responses has generated little consensus about which available strategies are most effective. Consequently, many policymakers concerned about using public funds to maximize outcomes (consistent with the principles of fairness and justice) understandably are confused about their options for deterring would-be offenders, reducing recidivism, and incapacitating the most dangerous offenders. With support from the Bureau of Justice Assistance (part of the U.S. Department of Justice, Office of Justice Programs), the Center on Sentencing and Corrections at the Vera Institute of Justice conducted a nationwide review of current sex offender laws, policies, and trends. This report represents the results of that systemic analysis.

VERA Institute of Justice: *The Pursuit of Safety: Responses to Sex Offenders in the U.S.*

In passing sex offender laws, policymakers are doing their best to protect society — particularly its most vulnerable members, children. Yet **many of these laws have been enacted without the benefit of evidence about which approaches work best**. Some of the sex offender laws on the books today were passed in the 1980s and 1990s. With the benefit of 10 or more years' hindsight, there is an opportunity now to evaluate objectively how well they have achieved their goals. In designing consequences for sex offenders, policymakers need to strike a balance between protecting public safety and dealing with the rising costs of keeping more people incarcerated for long periods of time. To get the best public safety outcomes, they must devote resources to stopping the most serious offenders from harming people and also work to rehabilitate those who present less risk.

Federal Funds Provided by the U.S. Department of Justice: *Megan's Law Assessment*

The following points highlight the major findings of the three phases of the study:

- Megan's Law has no effect on community tenure (i.e., time to first re-arrest).
- Megan's Law showed no demonstrable effect in reducing sexual re-offenses.
- Megan's Law has no effect on the type of sexual re-offense or first time sexual offense (still largely child molestation/incest).
- Megan's Law has no effect on reducing the number of victims involved in sexual offenses.
- Sentences received prior to Megan's Law were nearly twice as long as those received after Megan's Law was passed, but time served was approximately the same.
- Significantly fewer sexual offenders have been paroled after the implementation of Megan's Law than before (this is largely due to changes in sentencing).
- Costs associated with the initial implementation as well as ongoing expenditures continue to grow over time. Start-up costs totaled \$555,565 and current costs (in 2007) totaled approximately 3.9 million dollars for the responding counties.
- Given the lack of demonstrated effect of Megan's Law on sexual offenses, the growing costs may not be justifiable.

Richard Tewksbury and Jill Levenson: *When Evidence is Ignored: Residential Restrictions for Sex Offenders*

No empirical data exist to support the belief that residence restrictions reduce sex offense recidivism. A 2004 Colorado study found that sex offense re-offenders were randomly located and did not live closer to schools and parks than those who did not re-offend. In Minnesota, a 2003 study failed to find a relationship between proximity to schools and re-offending. A subsequent Minnesota study concluded that **“there is very little support for the notion that residency restriction laws would lower the incidence of sexual recidivism, particularly among child molesters,”** and that “rather than lowering sexual recidivism, housing restrictions may work against this goal by fostering conditions that exacerbate [problems with] sex offenders' reintegration.” Reinforcing this view, a California Research Bureau report, prepared for the Assembly Public Safety Committee, determined that “there is little research regarding the effectiveness of restricting the housing locations available to sex offenders, but the few studies available find they have no impact on re-offense rates.”

An emerging body of research is uncovering many unintended consequences of residential restrictions. Florida researchers found that the state's requirement that child molesters on probation live 1,000 feet from a school, park, playground, daycare center, or other place where children congregate led to displacement and transience for many sex offenders. About one-half were unable to live with family and found affordable housing less accessible.

Sex Offender Management Policy in the States: *Strengthening Policy & Practice*

The Council of State Governments, in partnership with the Association of Paroling Authorities International, the American Probation and Parole Association, and the Center for Sex Offender Management, was awarded the Policy Training on Sex Offender Initiatives for State Legislators grant through the Bureau of Justice Assistance to provide educational opportunities to state policymakers on innovative policy options for the management of sexual offenders.

The Center for Sex Offender Management recommends that jurisdictions establish a comprehensive and ongoing assessment process to take into account the many differences between sex offenders. **One-size-fits-all strategies are not effective**, and strategies must be tailored to the individual sex offender. This makes assessment tools that predict recidivism a crucial component of sex offender management.

The Center for Sex Offender Management also recommends policymakers work to ensure that sex offenders re-entering communities have appropriate and sustainable housing options. Residency restrictions enacted by states and localities have severely limited housing options for sex offenders, including making many shelters and residential treatment facilities off-limits. **Research has shown that stabilization in the community contributes to decreases in re-offense rates among sex offenders.**

In addition, the Center for Sex Offender Management encourages legislators to promote informed policies and engage the public to counter incorrect perceptions about sex offenders. “With the heightened concerns about sex offenders and sexual victimization and the public’s demand for legislative responses, sex offense-specific laws have been passed at unprecedented rates... Enactment of [such] laws is typically reactive, in response to high-profile cases that fuel citizens’ fears about their safety.”

The Center for Sex Offender Management concludes that the resulting policies, which are often costly and far-reaching, have not necessarily been developed with a thorough understanding of sex offenders, victims, and effective management strategies, leading to an absence of evidence-based policies that reduce recidivism and prevent sexual victimization.

Many in the public continue to believe that sex offenders cannot be treated or successfully managed in the community, and that they are very likely to re-offend. They call on their legislators to increase punishment and provide longer sentences, which is becoming financially unfeasible for many states. Most sex offenders, however, will eventually be released back into communities, and it is therefore **in the best interest of public safety to employ practices that have proved successful.** Public acceptance of sex offender management strategies employed by a jurisdiction is a key to its success.

Iowa County Attorneys Association: *Statement on Sex Offender Residency Restrictions in Iowa (December, 2006)*

The Iowa County Attorneys Association believes that the 2,000-foot residency restriction for persons who have been convicted of sex offenses involving minors does not provide the protection that was originally intended and that the cost of enforcing the requirement and the unintended effects on families of offenders warrant replacing the restriction with more effective protective measures.

The ICAA has the following observations concerning the current restriction:

1. **Research shows that there is no correlation between residency restrictions and reducing sex offenses against children or improving the safety of children.**
2. Research **does not support** the belief that children are more likely to be victimized by strangers at the covered locations than at other places.
3. Residency restrictions were intended to reduce sex crimes against children by strangers who seek access to children at the covered locations. Those crimes are tragic, but very rare. In fact, 80 to 90% of sex crimes against children are committed by a relative or acquaintance who has some prior relationship with the child and access to the child that is not impeded by residency restrictions. Only parents and caretakers can effectively impede that kind of access.
4. Law enforcement has observed that the residency restriction is causing offenders to become homeless, to change residences without notifying authorities of their new locations, to register false addresses, or to simply disappear. If they do not register, law enforcement and the public do not know where they are living. **The resulting damage to the reliability of the sex offender registry does not serve the interests of public safety.**
5. There is **no demonstrated protective effect** of the residency requirement that justifies the huge draining of scarce law enforcement resources in the effort to enforce the restriction.
6. **The categories of crimes included in the restriction are too broad**, imposing the restriction on many offenders who present no known risk to children in the covered locations.
7. A significant number of offenders have married or have been reunited with their victims; and, in those cases, the residency restriction is imposed on the victims as well as the offenders.
8. **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, and causing spouses to lose jobs and community connections.
9. Many offenders are physically or mentally disabled but are prohibited from living with family members or others on whom they rely for assistance with daily needs.
10. The geographic areas included in the prohibited 2,000-foot zones are so extensive that realistic opportunities to find affordable housing are virtually eliminated in most communities. The lack of transportation in areas not covered by the restriction limits employment opportunities. The adoption of even more restrictive ordinances by cities and counties exacerbates the shortage of housing possibilities.
11. The residency restriction has no time limit; and, for many offenders, the restriction lasts beyond the requirement that they be listed on the sex offender registry. For this reason, there are many offenders who are subject to the residency restriction but who are not required to inform law enforcement of their place of residence, making enforcement nearly impossible.
12. 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.

13. Many prosecutors have observed that **the numerous negative consequences of the lifetime residency restriction has caused a reduction in the number of confessions made by offenders** in cases where defendants usually confess after disclosure of the offense by the child. In addition, there are more refusals by defendants charged with sex offenses to enter into plea agreements. Plea agreements are necessary in many cases involving child victims in order to protect the children from the trauma of the trial process. This unforeseen result seriously jeopardizes the welfare of child victims and decreases the number of convictions of sex offenders to accurate charges. Consequently, many offenders will not be made fully accountable for their acts and will not be required to complete appropriate treatment or other rehabilitative measures that would enhance the safety of children. Similar unintended negative effects often accompany well-intended efforts to increase prison sentences with mandatory provisions.
14. The drastic reduction in the availability of appropriate housing, along with the forced removal of many offenders from established residences, is contrary to well-established principles of treatment and rehabilitation of sex offenders.

Efforts to rehabilitate offenders and to minimize the rate of re-offending are much more successful when offenders are employed, have family and community connections, and have a stable residence. These goals are severely impaired by the residency restriction, compromising the safety of children by obstructing the use of the best-known corrections practices.

For these reasons, the Iowa County Attorneys Association supports the **replacement of the residency restriction with more-effective measures that do not produce the negative consequences** that have attended the current statute. For example, the ICAA would support a measure that includes the following:

- A statute creating defined protected areas (“child safe zones”) that sex offenders would be prohibited from entering except in limited and safe circumstances. Such areas might include schools and childcare facilities.
- Entrance into the protected areas would be allowed only for activities involving an offender’s own child and only with advance notice and approval from those in charge of the location.
- The restriction should cover offenses against “children” (under age 14), rather than “minors” (under 18).
- The statute should specifically preempt local ordinances that attempt to create additional restrictions on sex offenders. Such ordinances result in a variety of inconsistent rules and promote apprehension among local authorities that they must act to defend themselves from the perceived effects of the actions of other communities.
- **Most important, any restriction that carries the expectation that it can be effectively enforced must be applied to a more limited group of offenders than is covered by the current residency restriction.** This group should be identified by a competent assessment performed by trained persons acting on behalf of the state. The assessment should be directed at applying the statutory restriction only to those offenders that present an actual risk in public areas to children with whom the offender has no prior relationship.
- Children will be safer with clarification and strengthening of certain child sex abuse laws, including, sex abuse by deception, sexual exploitation of a person “reasonably believed to be a minor,” using a position of authority to cause children to engage in a sex act, and requiring admission at trial of a defendant’s prior acts of sexual abuse.
- **Sex offender treatment both inside and outside of prison should be fully funded and improved.**
- Measures should be enacted that aim at keeping all young people safe from all offenders. **This should include programs that focus on the danger of abuse that may lie within the child’s family and circle of acquaintances.** It is important to help children and parents recognize the signs and dangers of sex abuse by persons with ordinary access to children.
- Recognize that child safety from sex offenses is not amendable to simple solutions by creating a Sex Offender Treatment and Supervision Task Force to identify effective strategies to reduce child sex offenses.

These observations of Iowa prosecutors are not motivated by sympathy for those committing sex offenses against children, but by our concern that **legislative proposals designed to protect children must be both effective and enforceable.**

Anything else lets our children down.



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